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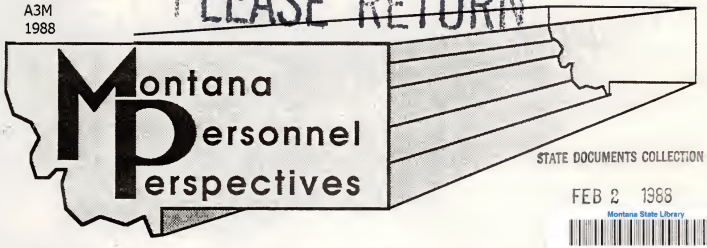

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ROUTE TO:

RETURN TO:

THE MONTANA AIDS PROJECT

by

Marsha McFarland, Health Educator
Montana AIDS Project
Department of Health and Environmental Sciences

Part II of III

By now, everyone has heard of AIDS -- Acquired Immunodeficiency Syndrome -- and most know that, at present, its outcome is fatal. Despite the fact that we know a great deal about the transmission of the AIDS virus today, an alarming amount of misinformation is still circulating. This has compounded social, ethical, and health care issues and has moved some legislators and others to propose harsh laws, widespread testing, or restrictions where little need exists. At the same time, the AIDS epidemic has necessitated other changes that are evident in the shifting lifestyles and values of society.

WHAT IT IS

The definition of AIDS starts with the fact that it is not a single disease. As its name states, it is a syndrome -- a collection of signs and symptoms that occur together and make up the total picture of an illness. AIDS is due to an underlying infection with a virus called Human Immunodeficiency Virus (HIV) -- a virus that was not recognized before the late 1970's in the United States and that was first seen in Africa.

HIV infects and destroys certain white blood cells that are critical to the function of the immune system, compromising its ability to fight off disease. Once a patient's immune system has been wholly or partially destroyed, infections, cancer or a variety of other diseases can gain a stronghold and cause illness and

death. So, people with AIDS do not succumb directly to the virus, but to diseases that a healthy immune system would ordinarily fight off. In the AIDS patient, these are called opportunistic infections. However, HIV can also cause illness itself, for example, by causing infection in the brain, leading to neurological or psychological problems.

The most common illnesses among people with AIDS are: Kaposi's sarcoma (KS), a rare form of cancer which was rarely seen until AIDS came along and is seen mostly in homosexual AIDS patients; and a particularly virulent form of pneumonia called Pneumocystis Carinii (PCP). To put it in better perspective, New York's Bellevue hospital saw its first AIDS patients with KS in 1981. It had treated no cases of KS in the years since 1970. Only three KS patients had been seen at the New York University hospital since 1961.

The Centers for Disease Control has recently expanded its case definition of AIDS for national reporting purposes. The revision, effective immediately, adds to the definition most of those severe, non-infectious, non-cancerous HIV-associated conditions -- such as HIV wasting syndrome ("slim" disease) and HIV encephalopathy (brain dysfunction) -- that are categorized in the CDC clinical classification systems for HIV infection. This definition is intended only to provide consistent statistical data for public health purposes. Due to the broader definition, many more people will be counted in the official AIDS statistics.

WHO IS AT RISK?

There are five groups of people who are at a higher risk for becoming infected with the virus than the rest of the population:

-- Homosexual and bisexual men. The major reason is that AIDS is primarily a sexually transmitted disease, and anal intercourse -- whether between man and woman or man and man -- is a prevalent means of transmitting the virus. However, it is essential for the public to understand that the AIDS virus can be spread from man to woman and from woman to man through vaginal intercourse, as well, although transmission from woman to man is thought to be less frequent.

-- Intravenous drug abusers, who frequently share the same needle with others. It is through this group -- with the second highest number of reported AIDS cases-- that the virus is easily spread to the heterosexual population.

-- Sex partners of people who are in the first two groups.

-- Recipients of infected blood and blood products, particularly hemophiliacs, who regularly receive clotting factor concentrates. Fortunately, this mode of transmission is no longer a major risk, due to screening technologies now available. Since March 1985, every prospective donation of blood is tested for the presence of HIV antibodies. Nonetheless, the National Institutes of Health and the AMA have reported that autologous transfusions-- donating one's own blood in anticipation of a need in the future -- are the safest.

-- Children who are born to HIV-infected mothers.

Not one single case of AIDS has been attributed to mosquito or other insect bites; toilet seats; sharing of glasses or utensils; living in the same household with an AIDS patient; eating food prepared or handled by a person with AIDS; or pets.

While an individual infected with the virus may not necessarily develop AIDS, recent statistics indicate that more will eventually develop it than was previously thought. AIDS is the end stage of HIV infection. Whether or not an infected person will get sick -- and when -- may depend on the viral subtype and the individual's own immune response. At this point in time, the majority of people who have been infected with HIV show no signs of illness. So far, a portion of the infected population goes on to develop ARC (AIDS-Related Complex), which is characterized by chronic fatigue, night sweats, fever, weight loss and diarrhea; and another fraction of infected patients has developed full-blown AIDS. Cohort studies have shown a conversion from asymptomatic to symptomatic of 5 percent to 10 percent per year (the percent keeps getting higher). Some scientists now believe that every infected person will eventually get sick.

THE GRIM STATISTICS

The numbers say it all. It is estimated that five to ten million people are infected with the virus worldwide, with cases reported in more than 100 countries. More than 48,000 cases of AIDS have been reported thus far in the United States. Estimates suggest that another 1.5 to 2 million Americans are presently infected with the virus -- most unknowingly.

Tragically, there is little that can be done to alter the growing number of AIDS cases that will be tallied in the next several years,

you are within five-years of retirement, you should be considering this seminar. Cost is $48.00, but spouses are urged to attend without charge. (See your personnel representative for details.)

Contemporary Writing Skills

Here is a practical, down-to-earth writing course for those who feel the need to improve their skills in this area. Short on theory, this seminar is long on practical information you can use immediately. John Moore of the PDC staff is the instructor. Cost is $50.00. The seminar will run from 8:30 a.m. to Noon on February 24-25.

Dealing With the Angry Public

This seminar addresses the reasons for, as well as the means and methods for, handling an irate "customer." "Understanding the other person's frustrations is a big part of the solution," according to Mary Ellen Campbell, instructor for this day-long seminar to be held on February 24. Cost is $65.00, and the hours are from 8:30 a.m. to 4:30 p.m.

Documenting Disciplinary Action

Unless properly documented, and properly administered, disciplinary actions by managers and supervisors can be both unfair and illegal. This seminar in March will cover the topic thoroughly and provide a reference manual to use in the future. John Moore of the PDC staff is the instructor. The date is March 1, the cost is $40.00, and the hours are 8:30 a.m. to 4:30 p.m.

PDC TRAINING SCHEDULE

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
February 1	2 Delicate Balance - Privacy and the Right to Know	3 Transforming Your Work Into a Growth Experience	4 How to Keep Your Job From Making You Sick	5
8 Pre-Retirement Seminar - **Billings**	9	10	11 What to Do About Training	12
Presidents Day 15	16	17	18 **POM-Controls**	19
22	23 **POM-Programs**	24 Dealing with the Angry Public	25 Contemporary Writing Skills (2 - half days)	26
29				

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State Personnel Division
Mitchell Building
Helena, Montana, 59620
Telephone - 444-3871

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ROUTE TO:

RETURN TO:

AIDS AND THE MONTANA MANAGER

(extracted from Management Minutes, published by the Professional Development Center)

The Center for Disease Control in Atlanta, Georgia, estimates that by 1991 nearly 100,000 people in the United States will have AIDS. Another 10 million will be carrying the HIV virus, but not yet show any symptoms of AIDS. About half of these 10 million carriers will eventually develop the disease.

What happens when an employee develops AIDS? Productivity may suffer because the AIDS victim must often be absent for treatment and because of related health problems. It is estimated that by 1991 the cost of lost productivity will be close to $55 billion annually. The cost of health care and treatment will approach $10 billion annually.

We must recognize that someday soon a state employee will fall victim to AIDS. It may have already happened. As managers, our aim should be to handle the circumstances in the fairest possible way, just as you would with any employee suffering from a life-threatening disease.

LEGAL RIGHTS

In March, 1987, the Supreme Court decided the case of the School Board of Nassau County v. Arline, regarding her dismissal because she had tuberculosis. The Court held that her firing violated Section 504 of the Rehabilitation Act of 1973. This act prohibits discrimination based upon a handicap; the Court ruled that a chronic, contagious disease is a handicap under the law. This ruling probably applies to AIDS victims as well.

The Montana Human Rights Act also prohibits discrimination on the basis of handicap. The Act is closely modeled after Section 504 of the federal law.

As long as they are able to perform acceptably on the job and meet minimum performance standards, and unless medical evidence shows that the employee is a risk to other employees, AIDS victims should be treated just like any other employee with a life-threatening disease. Every effort should be made to provide a supportive work environment.

Continuing to work is a financial necessity for AIDS victims. In addition, recent evidence shows that continuing normal living patterns probably prolongs their lives.

ACCOMMODATIONS

Employers should make reasonable accommodations for the affected employee. These accommodations might include the following measures:

- implementing flexible work hours
- reducing the work load
- providing frequent work breaks
- allowing home-based work
- providing time off for frequent medical appointments.

Employers may also restructure the job or transfer the victim to another job. The key here is that the employee must request a transfer. You may not transfer the employee involuntarily because of an unrealistic fear of exposing the rest of the workers. This is both unfair and a clear violation of the law.

Managers have to be sensitive to the concerns of other employees, but beyond education and normal, unbiased action on transfer requests, no other concessions should be made to victims' co-workers.

SAMPLE PROCEDURE

A working procedure on dealing with AIDS might imitate the corporate policy adopted by the Morrison and Foerster law firm in San Francisco.

- treat AIDS as any other illness, ensuring the victim will receive the same benefits as other employees: health and life insurance, disability leave — everything.

- emphasize that AIDS is not transmitted in ordinary social or occupational settings.

- allow AIDS victims to continue working as long as they are able. Do not tolerate discrimination or harassment of the employee.

- urge employees concerned about working with an AIDS victim to contact their supervisor to receive further information and education.

- treat all information concerning an AIDS victim in the same confidential manner as all other medical and personnel records.

We know that someday we will have to face the fact that there is an AIDS victim working with us, for us, or along side of us. As managers, we must be prepared to take affirmative action to prevent any isolation or harassment of the AIDS victim. And we must be prepared to ensure fair treatment of the AIDS victim.

For further information regarding AIDS, contact Rick Chiotti in the Department of Health and Environmental Sciences, 444-4740.

IS AMERICAN BUSINESS DEALING WITH AIDS?

In March, 1987, Business Week published a Harris Executive Poll on the corporate response to AIDS. The poll shows that corporations have been slow to react to the issues posed by AIDS. Pollsters asked the following questions with the results shown:

- Does your company have in place a specially tailored policy for dealing with employees who have AIDS?

Has in place	10%
Doesn't have in place	89%
Not sure	1%

- How would you rate the level of concern shown by your company's top management over the problem of AIDS in the workplace?

Great concern	14%
Some concern	50%
Not much concern	31%
Not sure	5%

- How would you rate the level of concern among your employees about working with people who have AIDS?

Very high	9%
High	21%
Not very high	35%
Not high at all	21%
Not sure	14%

- If a co-worker objected to working with an employee who has AIDS, would you move the employee who has AIDS, move the co-worker, or insist that the existing work situation not be changed?

Move AIDS employee	8%
Move the co-worker	14%
Insist on no change	29%
Not sure	46%
None of the above	3%

- Has your company launched a formal educational campaign about AIDS?

Has launched	15%
Has not launched	85%

- Many insurance companies have argued that they should be permitted to require people applying for insurance to take blood tests for the presence of AIDS antibodies. Has your company considered instituting such a test for prospective new employees?

Has considered	9%
Has not considered	87%
Not sure	4%

These results, particularly on the last two items, indicate the pressing need for all organizations to actively educate their managers and workforce about AIDS.

Still to come in a future issue is Part III of the Montana AIDS Project by Marsha McFarland, Health Educator, Montana AIDS Project, Department of Health and Environmental Science.

PERSONNEL NETWORK MEETS

Personnel Officers discussed the proposed changes to the Sexual Harassment Prevention Policy at their January 26th meeting.

Discussion centered on the reporting procedures and other complaint filing options. Changes to a standardized policy poster were also suggested.

Other issues and speakers presented at the network meeting were:

"It's A Bribe" update - a report on the healthy lifestyles program by Debi Flentie of the Employee Benefits Bureau.

- An outline of two major changes in the Employee Benefits Plan Booklet due out this month presented by Joyce Brown also of the Benefits Bureau.

- An EEO/Affirmative Action update by Linda Davis, EEO Officer from State Personnel.

- A briefing by Gale Kuglin, from State Personnel, concerning I-9 forms and immigration regulations.

Also noted on the agenda was the recently released management memo on "AIDS in the Workplace," which is now available for review and comment.

For further network information, call Gale Kuglin at 444-3984.

WRONGFUL DISCHARGE FROM EMPLOYMENT ACT

The State Personnel Division is recommending that a copy of written grievance procedures be given to all employees terminating from their jobs, regardless of the reasons for termination.

The Wrongful Discharge from Employment Act defines a "discharge" to include resignation, as well as disciplinary discharge.

When an employee receives a copy of the written agency grievance procedure with in 7 days of termination, the employee must first use the grievance procedure and cannot proceed immediately to District Court to protest.

The pertinent sections of the new law provide:

39-2-903. Definitions.

(2) "Discharge" includes a constructive discharge as defined in subsection (1) and any other termination of employment, including resignation (emphasis added), elimination of the job, layoff for lack of work, failure to recall or rehire, and any other cutback in the number of employees for a legitimate business reason.

39-2-911. Limitation of actions.

(3) If the employer maintains written internal procedures under which an employee may appeal a discharge (emphasis added) within the organizational structure of the employer, the employer shall within 7 days of the date of the discharge notify the discharged employee of the existance of such procedures and shall supply the discharged employee with a copy of them. If the employer fails to comply with this subsection, the discharged employee need not comply

with subsection (2). (Requires exhausting internal procedures first.)

For more information call Mark Cress, 444-3927.

CLASSIFICATION PURSUIT

QUESTION:

Sally is a state employee whose request to have her position reclassified from Administrative Assistant I to Administrative Assistant II was denied. She wonders why the position wasn't upgraded. It's obvious from her performance evaluations that she's doing a good job, and besides, she's been at this same level for nearly four years. Sally asks, "How are classification decisions made?"

THE GROUP BENEFITS ADVISORY COUNCIL

The Group Benefits Advisory Council met on January 28th. Testimony was heard from employees and licensed professional counselors requesting that the state plan cover mental health services by professional counselors. The state plan currently covers mental health services provided by licensed physicians, licensed psychologists, licensed social workers, licensed general or psychiatric hospitals, licensed mental health clinics or chemical dependency treatment centers.

Linda Kaiser reported on cost-saving options available concerning prescription drugs. Prescription drugs were targeted for exploration of possible cost-saving measures such as incentives for use of generic drugs.

The Benefit Consultant for the state plan, Dan Imming from Martin Segal and Associates, reported a 27.5 percent increase in total paid medical claims from the previous 85-86 year. The number of claims processed was up 9.9%. The increase in cost was due to an increase in the number of claims filed and a nationwide increase in medical costs. Plan reserves are currently sufficient to cover increased costs.

Debi Flentie presented a status report on the Deferred Compensation Plan. The new interest rates were negotiated with Nationwide for the fixed annuity account. Rates for the first quarter are 9.10% with a base rate of 8.70%. A telephone exhange option was added in January.

Bill Crowley from Montana Benefits presented an update on the effect of the stock market on the variable annuity option.

The next Group Benefits Advisory Council meeting is scheduled for March 24th at 1:15 p.m., in Room 136, of the Mitchell Building.

For more information, call Joyce Brown, 444-2553.

NEW EMPLOYEE BENEFITS BOOKLET TO BE DISTRIBUTED

A new employee Benefits Plan Booklet is due to be distributed soon. The booklet will describe employee benefits in effect as of September 1, 1987, including medical and dental benefits under the state's self-insured medical and dental plan; organ transplant benefits insured by the Equitable Life Assurance Company; and term life and accidental death and dismemberment benefits insured by Northwestern National Life Insurance Company.

The new booklet replaces the 1985 booklet and incorporates Plan changes since 1985. It also clarifies employees' rights and obligations under the State Plan. Failure to become familiar with these rights and obligations could result both in loss of benefits, which employees and their dependents are entitled to, and in liability for repaying benefits paid in error which employees and their dependents are not entitled to.

The new booklet is also designed to make specific plan provisions easier to find and to assist employees in obtaining the intended benefits.

For further information, call Joyce Brown, 444-3871, or Linda Kaiser, 444-3946.

A LITTLE LESS SWEET

The craving for sweets can be beaten into submission. Like salt, if you can wean yourself away from the sugar donuts and gummy bears for a week or so, you can get on the downward side of the sweet longing. You can learn to be satisfied with an occasional small piece of chocolate cake instead of two big pieces at

one sitting. Jane Brody's Nutrition Book offers some tips for curing sweet-aholics.

Don't stock up on the stuff. If a candy bar or cookie often sabotages your efforts to cut down on sweets, don't buy it and stash it away like an alcoholic does the bottles. Just don't buy it, no matter how much the kids clamor for it.

Use fresh fruit as an alternative sweet. After a hiatus from the empty sweets of candy and pastries, it's surprising how sweet an orange, fresh pineapple and bananas taste. Fresh fruit, canned fruit (in natural juices), and frozen fruit have vitamins, minerals, fiber, natural sugars and no fat. (Ever look to see how much fiber is in a can of diet Pepsi?) Dried fruit - raisins, dates, apricots - have high concentrations of sugar and are sticky and gooey and tough to remove from your teeth. Eat sparingly for your teeth and total calorie count.

Make your own cookies and cakes. You can cut the sugar in muffins, sweet breads and cookies by a third or more and never miss it. You can also make your own stuff a whole lot more nourishing with the addition of whole wheat flour, bran, fruit and fruit juice. (The latter can also substitute for eggs).

Start reading labels. As you know by now, (it's test time) the first ingredient on the label is what the product contains the most of. The second ingredient is the second highest in amount in the package, and so on. The ubiquitous sugar appears in significant amounts in some amazing things besides the obvious. It's in ketchup, canned soups, peanut butter, salad dressings, crackers, yogurt and spaghetti sauce. Sugar cereals are - well - sugar cereals. The worst of the lot, 45 percent sugar or more, are Sugar Corn Pops, Froot Loops, Apple Jacks, and Sugar Smacks. Plus a lot of the newer stuff. Can anything called Count Chocula be anything other than total, sugar?

SUBSTITUTIONS ALLOWED

The following list of substitutions for some high fat (or high cholesterol) foods can be used a little or a lot, depending on your zeal in pursuit of the low-fat life. All of the substitutions work. Your taste buds will have to field test them and assign relative point values.

Chocolate. As we said before, there is no substitute. However, in baking try a paste of 3 tablespoons of cocoa (unsweetened) and 1 tablespoon of safflower oil as a substitute for 1 ounce of baking chocolate.

Cream Cheese. Blend one cup of dry cottage cheese in the blender with just enough skim milk to mix it thoroughly.

Eggs. Plain egg whites will do for baking. If you want to get fancy for custard, french toast, scrambled eggs and eggnog, try this. Combine 1/2 cup non-fat dry milk with 2 tablespoons of safflower oil and mix until milk powder is dissolved. Gradually add 1 dozen egg whites, stirring until smooth. Add yellow food coloring, if you need it to be egg-colored. Makes the equivalent of 7 eggs (use 1/4 cup for 1 egg) which you can store (covered) in the refrigerator up to a week.

Milk. If you use whole milk, scale down gradually. Try 2 percent for a few weeks, then 1 percent (if you can get it). Gradually switch to skim milk. Low-fat purists go for reconstituted non-fat dry milk, served very cold with a dash of vanilla.

Sour Cream. Blend in the blender 1 cup of dry cottage cheese with 1 tablespoon of lemon juice and enough skim milk for sour cream consistency. Plain yogurt is also a sour cream substitute. For cooking, blend 1 tablespoon cornstarch with 1 tablespoon of yogurt. Then blend into 1 cup of yogurt to prevent yogurt from separating when heated.

Whipped Topping. Combine 1/2 cup instant non-fat dry milk and 1/4 cup ice water in a cold bowl. Beat with cold beaters 2-3 minutes until soft peaks form. Add 1 tablespoon lemon juice and beat 1-2 minutes. Sweeten to taste and flavor with vanilla or almond extract if desired. Chilled.

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INCENTIVE AWARDS

The Incentive awards Advisory Council met on January 20 to review 9 suggestions for awards. The

following Helena employees received awards on Friday, February 12:

Richard K. Lewis, Robert D. Cummings, William Loomis, Ron Winterrowd and Michael Langenfus each received $297.80 for a shared suggestion that will save the Department of Highways approximately $14,890.00 year. The suggestion recommended producing plan-in-hand prints using the CADD equipment and photo copier instead of blue prints. All four employees work for Department of Highways in the Road Design Section.

Charles W. Weichler received $115.00 from the Department of Fish, Wildlife & Parks. His suggestion is expected to save that agency approximately $1,150.00 a year for using electronic calipiers for entering linear measurements into a micro computer for measuring growth rings on fish. Mr. Weichler is a former field aide for the Department of Fish, Wildlife & Parks.

Two employees received awards from the Governor on February 12 in Missoula. Deena Ervin and Micheal McLane each received $200.00 from the Department of Natural Resources and Conservation. They jointly submitted the suggestion to use pre-printed post cards as a replacement for monthly mailing of letters on water rights ownership transfers. The Department anticipates a savings of approximately $4000.00 a year.

Ms. Ervin is employed as an Administrative Clerk and Mr. McLane is employed as a Water Rights Field Manager for DNRC in Missoula.

Kenneth Neumiller received an award from the Governor on February 19 in Billings. Mr. Neumiller received his award of $200 for suggesting the use of adhesive emblems with the Department logo on hardhats worn by Highway personnel.

The Department of Highways anticipates savings in safety enhancement as a result of the reflective emblem. Mr. Neumiller is a Materials Supervisor for the Department of Highways in Billings.

CLASSIFICATION PURSUIT

ANSWER:

Positions are classified through a process of job analysis and job evaluation. **Job Analysis** involves gathering information about the position duties and responsibilities, through examination of the position description and, occasionally, through position audits. Job evaluation is the process of determining the position's "value" in relationship to other classified positions. **Job Evaluation** is a more complex and less visible process, and one which employees sometimes find confusing and hard to understand.

Sally's performance rating and her length of stay on the job are certainly of value to state government, but neither is considered in classifying her position. In better times, length of service is compensated through step increments in pay. There have been discussions over the years about developing a means of compensating employees for good performance as well, but for several reasons this has never materialized.

What is important for Sally to understand is that Sally is not being classified. The personal characteristics of the employee who holds a position are not considered in the classification process. Classification considers only the duties and responsibilities that are assigned to the position - not how well they are performed, not how long the incumbent has been doing them, not the financial needs of the incumbent, not the personal achievements or physical characteristics of the incumbent, and not what the incumbent could be making in a similar position in another organization.

The class specification is the primary standard by which positions are classified. This involves comparing the duties and responsbilities of a position to those that are described on class specifications. A position is allocated to class through a process of determining which specification most adequately and accurately describes it.

Comparisons to other postions that have some similarities in duties and responsibilities are also made. This is particularly important when class specifications are vague, when some aspects of the positions are unusual, or when there is no class specification that adequately describes the work.

The process is not simply one of "matching," however. The comparisons are based on five job content factors described below. The classifier

compares the position to the class specification (or to other positions) in each of these factors, and makes a determination about relative strengths and weaknesses.

Positons are assigned to classes and classes are ranked according to these five factors:

Nature of Work This factor indentifies the degree of difficulty of the work performed. It is used to evaluate the variety, diversity, and complexity of the work. Specialized methods, techniques, or terminology are also evaluated by this factor.

Supervision Received This factor has two elements. It considers 1) the degree of direction and assistance provided by the immediate supervisor and 2) the degree to which rules, regulations, and established procedures determine how the work is to be done.

Supervision Exercised This factor considers the degree of responsibility in a position for assigning, evaluating, planning, and directing the work of other staff and the degree of responsibility for reviewing the work for accuracy and completeness.

Personal Contacts This factor considers the nature and difficulty of person-to-person contacts, work relationships, and communications skills required in meeting and dealing with people.

Scope and Effect This factor considers the impact of actions and decisions, the extent of impact on people, materials, equipment, and funds, and the consequences of errors.

Sally's position was classified by comparing her duties and responsibilities to the class specifications for Administra-tive Assistant I and Administra-tive Assistant II. The classifier required some judgment to determine whether the duties of Sally's position were weaker or stronger than the class specification in each of the five factors. Additionally, comparisons to other Administrative Assistant I and Administrative Assistant II positions were made, again using the same five factors. The classifier determined that Sally's position compared best to the Administrative Assistant I class specification and was most similar to other Administrative Assistant I positions. The decision to deny the request for upgrade was based on these comparisons.

For further information about the classification process, call Lana Loughrie at 444-3854.

PDC CLASSES FOR MARCH

Professional Development Center announces five seminars of special interest during March. All will be in the Montana Training Center in the DNRC Building unless otherwise indicated.

Documenting Disciplinary Actions will be presented March 1. This seminar is intended for supervisors and managers, and covers all aspects of disciplinary action accountability and documentation. John Moore, lead trainer in the PDC is the instructor. Cost of this day-long seminar is $40.00.

You, Inc: Charting Your Career is aimed at anyone considering making a career change or looking at ways to enhance their position within the work unit. It takes a hard look at possible options open to the indivisual participants. John Camper, PDC Director, is the instructor. Cost is $50.00 , and the seminar will be held on March 2.

Advanced Editing Skills is aimed at catching the minor errors that can cast doubt upon the overall accuracy, intent, and carefulness of your written work. It is intended for anyone who is responsible for writing or editing memoranda, letters, and other written material. John Moore leads this seminar scheduled for March 8. Cost is $55.00

Fire Me and I'll Sue! That is the name of a one-day seminar on March 16, taught by John Moore. This seminar looks at preventive measures that can be taken to avoid wrongful discharge, and covers the problem of sexual harassment as well. Cost of this valuable seminar is $60.00

Pre-Employment Screening will be held on March 17 and be taught by Linda Kaiser of the State Personnel Division. This seminar will be offered from 10 a.m. to 3 p.m. and will cover methods for determining which applications merit indepth consideration for the job. Cost of the seminar is $40.00.

Interviewing Skills provides managers with a planning model and the skills necessary for selecting the best person for the job. Pam Wintrode, Personnel Officer with Department of Labor and Industry, is the instructor for this day-long seminar presented March 23. Cost is $55.00.

Anyone desiring more information on these or other courses offered through the auspices of the Professional Development Center, is urged to contact their personnel representative or the PDC at 444-3985 or 444-3749.

Essentials of Management will be taught in Missoula beginning May 18. This seven-part series for newly assigned supervisors and managers has recently undergone almost a complete overhaul and now includes a new seminar which covers some of the legal issues supervisors and managers may face. Basic cost for the complete series is $365.00 or only $265.00 if participants attend all sessions consecutively. Anyone desiring further information on the **Essentials of Management** series is urged to call John Camper at the PDC, 444-3855.

Management Tip

One of the things that can undermine teamwork faster than anything else is a communication policy requirement that forces people to always go through the "proper channels" then down again. This discourages interaction between peers and creates office paranoia and the "turfdom" syndrome. It is far better to encourage a free flow of information and an open exchange of ideas.

MARCH 1988

monday	tuesday	wednesday	thursday	friday
	1 Documenting Disciplinary Action	2 POM-Information / Charting Your Career	3	4
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Montana Personnel Perspectives is published monthly by the State Personnel Division, Department of Administration. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Comments should be directed to "Perspectives Editor" at the address below.

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Volume VII, Number 11 March 1988

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ROUTE TO: 3/23/88
Dana Halverson
Charles Vait
RETURN TO: Darlene Staffeldt

PLEASE RETURN

THE MONTANA AIDS PROJECT

by
Marsha McFarland, Health Educator
Montana AIDS Project
Department of Health & Environmental Sciences

Nationally since 1981, over 53,000 cases of acquired Immunodeficiency syndrome (AIDS) which is a result of Human Immunodeficiency Virus infection, have been reported to the Centers for Disease Control (CDC). Because the average incubation time from infection with HIV to onset of AIDS is greater than seven years, monitoring the progression of the epidemic is vital.

Transmission of HIV infection can be slowed or halted by reducing or eliminating the behaviors that place individuals at risk for acquiring the infection. Better and more extensive information is essential for targeting and evaluating control and prevention efforts at local and state levels, for predicting future health-care needs, and for understanding where the HIV/AIDS epidemic is headed.

HIV Infection in the United States

Groups accounting for the great majority of AIDS cases also experience high incidence of infection within the groups. The percent of persons with infection among homosexual and bisexual men has ranged from under 10% to as high as 70%; however, most studies reflect a range from 20-50%. Studies of infection in IV drug abusers show an incidence which ranges from 50-65% in some urban Eastern areas, but below 5% in areas other than the East Coast.

PLEASE RETURN

Among hemophiliacs, HIV antibody prevalence varies according to the type and severity of hemophilia. Prevalence among Hemophilia A patients, who need transfusions more frequently, has been approximately 70%; rates among Hemophilia B patients with lower transfusion rates are 35%. These figures appear uniform across the United States.

Infection in heterosexual partners of infected persons has ranged from 10% to 60%. Among partners of those who are at risk, but whose HIV infection status is unknown, infection is generally below 10%.

Other Population Groups

In selected groups within the general population, such as blood donors and hospital patients, the prevalence of HIV infection has generally been a fraction of 1%. However, infection rates have varied considerably and have been found to be much higher among selected inner city populations.

In limited studies heterosexuals at highest risk (those being treated for Sexual Transmitted Diseases) have been rigorously interviewed and reinterviewed. The prevalence of HIV infection in these people has generally ranged from 0 to 1.20% for persons without specific, identified risk factors. By contrast, the prevalence of infection among homosexual men at the same clinics has ranged from 12% to over 50%.

Montana AIDS Statistics

From June of 1985 to February 1988, the Department of Health and Environmental Sciences has reported 18 AIDS cases to the CDC. Risk factors identified for these cases have been: homosexual/bisexual male, 67%; IV drug abuser 11%; homosexual male and IV drug abuser 6%; heterosexual 6%; and no identified risk, 11%. No identified risk is a category where the patient has claimed no risk factors or no risk factor was established because the patient had died.

By age, Montana AIDS cases echo national trends with 22% occurring in the 20-29 age group, 50% in age 30-39, 22% in age 40-45 and 6% over age 49. Montana has no reported cases of AIDS in age groups below 20 years. Racial and ethnic demographics are reflected by Montana's AIDS statistics. To date, 89% of reported cases are white; 6% American Indian; 6% Hispanic. Eleven percent of Montana's cases have been female, and 89% have been male. (Note chart at end of article.)

HIV Infection Trends

Not much information exists on the trends and incidence of HIV infection. Such data is more difficult to develop. Studies of prevalence in two general population groups tested over time (applicants for military service and first-time blood donors) show that rates have remained stable for two years. Increased self-exclusion of persons who know that they either are at risk or are already infected may have contributed to this pattern. The apparent stability may reflect the competing effects of self-exclusion by infected persons and the continued occurrence of new HIV infections.

There is evidence that new infections continue to occur in the general population. However, in some groups, the rate of new infection may have declined somewhat from the rates that prevailed in the early 1980's. This interpretation is supported by the following observations: 1) declines in incidence of new infections have been observed in groups of homosexual men (the current principal risk group); 2) the rate of infection among military applicants and donors no longer appears to be rising; and 3) new methods of treating blood products have significantly reduced new infection in most transfusion recipients and hemophiliacs. However, insufficient data are available to evaluate recent patterns in IV drug abusers or heterosexually active persons in areas such as the inner cities.

In 1986, public health and medical specialists estimated that between 1 and 1.5 million persons were infected with the HIV virus. This conclusion was based on the estimated sizes of populations at risk and the estimated average infection rates. The numbers have been reexamined in light of recently available data and they are consistent with the 1986 figures. The estimation of the total number of infected persons will remain complex and inexact.

For further information on HIV infection in the United States consult the Morbidity and Mortality Weekly Report published December 18, 1987.

MONTANA AIDS CASES

DEMOGRAPHIC SUMMARY AS OF 1/9/88

CASES

Reported Cases	17
Reported Deaths	8 (47%)

AGE

Less Than 5	0
5-12	0
13-19	0
20-29	4
30-39	8
40-49	4
Over 49	1
	17

RISK FACTOR

Homosexual/Bisexual male	11
IV Drug Abuser	2
Homosexual Male and IVDA	1
Hemophilia, etc	0
Heterosexual	1
Transfusion, blood components	0
No Identified Risk	2
	17

RACIAL/ETHNIC GROUP

White	15
American Indian	1
Black	0
Hispanic	1
Other/Unknown	0
	17

COUNTY OF DIAGNOSIS

Cascade	5
Gallatin	1
Lewis and Clark	1
Missoula	3
Silver Bow	2
Yellowstone	4
Out-of-State	1
	17

SEX

Female	2
Male	15
	17

Source: Montana AIDS Program, January 1988.

EMPLOYEE HANDBOOK A SELL-OUT; TO BE REPRINTED

The first printing of the state Employee Handbook is a sell-out. There will be a limited reprinting of 2,000 copies of the Handbook. When these handbooks are gone, the State Personnel Division does not anticipate a third printing. The Employee Handbook will be revised in 1989.

The Handbook must be ordered from the Property and Supply Bureau, Department of Administration. To order the Handbook, request stock number 9000-0870.

PUBLIC HEARING APRIL 5 ON SEXUAL HARASSMENT RULES

A public hearing is scheduled at 12:15 p.m., April 5 on the proposed amendment of the Sexual Harassment rules. The hearing will be in Room 136 of the Mitchell Building in Helena.

The rules have been proposed for amendment due to recent court decisions, and on the recommendation of state EEO Officers, who have suggested more effective ways to both receive and resolve complaints of sexual harassment.

Copies of the proposed amendments have been distributed to agency heads, personnel officers, agency attorneys, ICCW members and collective bargaining units.

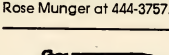
Written comments on the rules may be directed to Laurie Ekanger, Administrator, State Personnel Division, Room 130, Mitchell Building, Helena, MT. 59620, no later than April 8, 1988.

For further information about the hearing or the proposed rule amendment, call Gale Kuglin, 444-3984.

VOTER REGISTRATION

For the convenience of state employees, ICCW (Interdepartmental Coordinating Committee for Women) will be sponsoring voter registration during the month of April. Registration tables will be set up each Tuesday in April from 11:00 a.m. to 1:00 p.m., in the following buildings: Capitol; Cogswell; Commerce; DNRC; Highways; Fish, Wildlife & Parks; Labor & Industry; Mitchell; Scott Hart (Ag/Livestock); SRS; and downtown at the old New York Store Building.

Registering to vote is easy and takes little time to do, so sign up in April - in time to vote in June's Primary Election! If you need more information, call Rose Munger at 444-3757.



Eat right, exercise, relax... and live longer.

ARTIFICIAL SWEETENERS

There've been quite a few of them in the last few years. First were dulcin and cyclamate, banned after years because of their association with tumors and other illnesses in our old friend, the laboratory rat. Saccharin (Sweet'n Low, Sweet 10) seems to increase, slightly, the risk of cancer. It was scheduled to be removed from the market in 1987 because of the cancer connection, but popular demand may save it from product execution.

The list goes on. Sorbital is found in ice cream, jelly, gum, pop, baked goods, and candy, among other things. Studies strongly suggest too much of it causes gas, bloating and diarrhea. (Health Incentives Staff verified these studies when they - ah - overindulged in some sugar-free candy purchased for a specific project. All too soon, the strongly suggested symptoms appeared with a vengeance appropriate to the over-indulgence.)

A relatively new kid on the block, aspartame (NutraSweet, Equal), is not without its down side. There have been many claims (some verified, some not) of headaches, rashes, seizures and behavior disorders. This sweetener is an amino acid rarely appearing by itself. In people with the genetic disorder PKU (phenylketonuria) the sweetener can cause seizures and mental retardation. Most know enough to avoid it. However, millions of others carry just one gene for PKU without having the disease. These people may have increased sensitivity to NutraSweet. Some researchers speculate these one-gene carriers are the folks registering the hundreds of complaints

about NutraSweet. The manufacturers, undeterred, spent $100 million on advertising the benefits of NutraSweet in 1986.

An even newer artificial sweetener, not yet approved by the FDA, is Acesulfame-K. Tests show a possible link to lung and breast tumors and a raising of cholesterol levels in diabetic laboratory rats. Since diabetics, as a group, rely on artificial sweeteners and have a higher risk for heart disease, this is no small concern.

Overall, we'd sum up the concerns about artificial sweeteners as follows:

Adverse Effects

Although the link is tenuous in some cases, all of the artificial sweeteners (as noted above) have studies or consumer complaints linking them to everything from cancer to diarrhea. A wise buyer (and eater) might want to store this away in his/her own personal computer, and start reading labels a little more carefully.

Fake sweets and weight control

Some controlled studies have shown that overweight people have not lost weight while using artificial sweeteners. Other researchers think that the sweeteners cause hunger and craving for carbohydrates. This is a field where research is continuing. To date, an army of overweight people, melting away tons of unwanted fat by using artificial sweeteners, seems to be more of a wish than a reality.

The real problem

Consider the following scenario: A packet of artificial sweetener goes in the morning coffee. In the evening a piece of coconut cream pie (not steamed broccoli) is consumed righteously. The consumer feels entitled to this treat because, after all, they cut back in the morning. This is a distressingly typical way many people use artificial sweeteners. Better to use a little sugar, balance it out with fruit for dessert and keep the pie for a special occasion.

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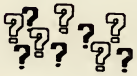

CLASSIFICATION PURSUIT

Question:

David B. has received an assignment to write updated position descriptions (PD's) for his position and those of his subordinates. He's familiar with the PD form and has some understanding of what's required. Still, he finds the task a little overwhelming. David asks "How do I write good position descriptions? Why do administrators think this is so important anyway?"

We bribed you for the New Year, Now...

"This Is A Bribe"

To get ready for Summer

The State Wellness Program is still offering a partial reimbursement to employees for enrollment in eligible programs to improve their health.

- introductory cardiovascular fitness
- smoking cessation
- weight control
- nutrition

For more information call Debi Flentie, Employee Benefits Section, 444-3887.

STATEWIDE EMPLOYEE BENEFIT MEETINGS

The Department of Administration Employee Benefits Staff will be "on-the-road" this spring. Meetings have been scheduled for employees outside of Helena on Health Care Benefits, the Deferred Compensation Program and Public Employees Retirement System. Letters and meetings schedules have been sent to Department Directors. The 1 1/2 hour meetings are scheduled from March 22 through May 1. Please encourage your employees to take advantage of this opportunity to learn first-hand about their benefits.

For more information on the meeting schedules, contact Debi Flentie, 444-3887.

STAFF CHANGES

Several staff members have joined the State Personnel Division. Lynne Cuda is the new Systems Analyst. Her number is 444-3856.

Liz Hayden has joined the staff as a Personnel Specialist in the Classification Section. Her number is 444-3808.

Harold Gilbertson is now working in the policy section as a Personnel Specialist. His number is 444-3893.

CLASSIFICATION PURSUIT

ANSWER:

A well-written position description (PD) is one of the manager's most effective tools. A good PD is useful in every phase of human resource management: job design, job evaluation, staffing, training and performance appraisal.

Almost all state employees, whether top-level administrators or file clerks, are called upon at some point to write PD's. Few of us, however, have received formal training in that area. The following are some tips to help you sharpen your PD-writing skills.

1. Be clear and concise. Good writing is just as important in PD's as in letters, memos, reports or speeches. The same basic rules apply. Use everyday words when possible. Always use the short word to the long one that means the same thing. Avoid the passive voice. Shorten long sentences by pruning useless words. Eliminate technical jargon. Be complete, but don't go into so much detail that the PD resembles a motion study.

2. Arrange duties and tasks in a logical order. Some jobs have definite work cycles. If so, it might be best to list duties chronologically. If not, list the important duties first. Remember, the importance of a duty is not always gauged by the amount of time spent performing it. For example, preparing an annual budget is only done once a year, but is clearly an important duty.

3. Begin task statements with an active verb. Choose the verb carefully, and put it in the present tense. Omit the subject of each sentence. It is understood that the job incumbent is the subject.

4. Separate duties clearly. Don't lump unrelated duties together into long paragraphs.

5. Be specific. Avoid vague, ambiguous words, such as "assists," "handles," "processes" and "develops." A good rule of thumb: If the word doesn't evoke a mental image of the work, replace it with one that does.

6. Use quantitative words. Instead of "pushes loaded hand truck," write "pushes hand truck loaded with 100-200 pounds of printed materials."

7. Avoid qualitative words. Instead of "greets visitors courteously," just write "greets visitors." Obviously no one is assigned to greet visitors rudely. Place phrases such as "maintains effective working relationships" in the job requirements section, rather than in the duties section.

8. Limit using the word "may." Don't use it to refer to occasional duties. Job analysts, in particular, want to know if the duty is performed or not performed. When describing occasional duties, it's better to use "monthly" or "annually" than "regular" or "periodic." If

you need to use the word "may" in a duty or task statement, put the statement at the bottom of the section.

9. Identify important tools or equipment. The state PD form includes a special section for that purpose. In the duties section of the PD, avoid names that will make an otherwise current PD obsolete with equipment changes. Instead of "analyzes the "Moneymax" EDP program," write "analyzes the cash flow forecasting program."

10. Learn the Classification Bureau lingo. Words such as "supervise" or "manager" may mean something different to you than the job analyst. Find out the methods the Classification Bureau uses to analyze the PD's you write. They're probably not as esoteric as you think.

If you'd like more detailed information on how to write better PD's, the State Personnel Division publishes a short booklet entitled "Writing Position Descriptions Using Task and Duty Statements." It focuses on the PD format now used in state government. If you would like a copy, or if you have any questions, call Steve Johnson, 444-3805.

COMMITTEE CREATED

On February 9, 1988, Governor Ted Schwinden signed Executive Order 3-88 which created the Governor's Committee on Employment of People with Disabilities. The new Committee is a continuance of the former Governor's Committee on Employment of the Handicapped, but with some changes in structure and responsibilities.

While preserving the original number of fourteen voting members, the new structure allows for two additional members representing private sector employers, three additional members at large, and adds three non-voting ex-officio members from state agencies which provide employment and training services to the disabled.

As a result of restructuring and resignations, six committee membership slots became vacant. The new membership categories and members in each category as appointed by Governor Schwinden are as follows:

Advocacy and Advisory Organization Members

Robert T. LeMieux, Great Falls, Rehabilitative Services Advisory Council; Brett Vieke, Butte, Visual Services Advisory Council; Denise Kagie, Butte, Developmental Disabilities Planning and Advisory Council; and Fred Fisher, Helena, Mental Disabilities Board of Visitors.

Private Sector Employer Members

Lowell Bartels, Helena, Helena and Butte McDonald's Restaurants; Blair Ricks, Butte, Montana Power Company; Susan Algard, Helena, IBM Corporation; and Jean Nottingham, Kalispell, First Interstate Bank of Kalispell.

Members at Large

Gordon Hage, Helena, Department of Justice; Dan Newman, Helena, AFL-CIO; Doug Schramm, Great Falls, Private Business and also from Helena Judy Harris, Montana Independent Living Project.

Public Sector Employer Members

Larry Fasbender, Helena, The Department of Natural Resources and Conservation, and Stephen White, Great Falls, Great Falls Public Schools.

Non-Voting Ex-Officio Members

Mark Bowlds, Helena, the Department of Labor & Industry; Member from the Department of Social & Rehabilitation Services (yet to be confirmed); and Member from the Office of Public Instruction (yet to be confirmed).

The first meeting is tentatively scheduled for March 31, 8:30 a.m. through 4:30 p.m., in the Glacier Room, DNRC Building. The committee will discuss ways in which to improve its effectiveness in increasing the employment opportunities for disabled Montanans, and to formulate a two-year workplan. The following are some areas in which the committee will probably focus on in 1988-89:

- Increasing communication and cooperative affiliations with state, regional and local organizations which share the committee's objectives.

- Promoting better coordination of employment and training services for the disabled on both the state and local levels.

- Increasing fact finding activities which serve to identify the employment needs of disabled Montanans so that committee activities can be more directly related to problem resolution.

- Increasing the advocacy role of the committee through regular review of federal and state legislation and lobbying of U.S. congressmen and state legislators.

- Increasing private and public employer awareness of the employment potential of disabled Montanans and of programs designed to assist employers in the employment and training of the disabled.

- Assessing employment of the disabled in state government positions and recommending special projects to improve employment opportunities for the disabled in state government.

- The committee welcomes any suggestions from concerned citizens, including state employees at all levels. This will help them in identifying areas in which they may have a positive impact in increasing employment oppor-tunities for the disabled. Any comments received will be brought to the attention of the committee at its quarterly meetings. If you wish to comment or would like more information about the committee, call Ron Wilson, Executive Director, GCEPD, Rm. 130, Mitchell Building, Helena, Montana 59620 (Ph. 444-3886).

EEO/AA REPORT TO THE GOVERNOR SUBMITTED

The 1987 Report to the Governor on the State's Equal Employment and Affirmative Action Program was recently submitted to the Governor. This report was compiled by the EEO Section, State Personnel Division. The report is prepared annually in accordance with Executive Order 24-81 which charges the Department of Administration with the duties of implementing and maintaining a program to "eliminate discrimination in personnel salaries and procedures, job structuring and classification, hiring, firing, promoting and training."

The Report noted some gains for all protected groups at various levels of state government and cited areas where more progress is needed. The following are some highlights of the report:

Employment of Women

Women in state government made some of their biggest gains in the "Professional" category, from 37% of professional workers in 1986 to 40% in 1987 - for the first time reaching parity with their counterparts in the private sector. In Fiscal Year 87 in this category, 55% of all promotions went to women and 57% of all agency new hires were females.

Women made gains in the category "Officials and Administrators" with representation now at 20%, but still lag behind the estimated 30% of representation of women in the category for 1987. A special new management training program designed to benefit both men and women, but offering additional electives on "women in management" is proposed in the report as a way of increasing the upward mobility of women in this category.

Women make up 46% of all permanent state government workers and represented 64.3% of all state hires in Fiscal Year 87, but are highly concentrated in the lower paying categories, constituting 90% of all clerical staff and 62% of all paraprofessional positions. Overall, women in state government still earn only 77% of the average salary earned by men employed in state government.

Women hold a small share of some of the higher paid positions not requiring college degrees: a 4.4% representation in the "skilled craft" category; and 9% representation in the "protective services" category.

The report recommends that state agencies continue to take action to attract women into professions considered "non-traditional" for women which are paid at higher levels than those occupations considered "traditional" for women.

Employment of Minorities

In the executive branch, 3.1% of employees are minorities, up slightly from 3.0% in 1986, but still low as compared to a 4.8% representation in Montana's civilian labor force. The selection rate (percent of applicants hired) for minorities was 9.4% as compared to a 9.2% rate for whites. Therefore discrimination in hiring does not appear to be contributing to the low representation. An application rate of only 4.1% for minorities in Fiscal Year 87, however, indicates that the state needs to increase recruitment efforts. Minorities were found to be fairly evenly distributed from the lowest to highest paid categories.

Employment of the Disabled

In the executive branch, 3.3% employees are disabled, up from 2.8% in 1986, but still low as compared to an estimated 5% representation in Montana's civilian labor force. The selection rate for the disabled was 8.1% as compared to 9.3% for the non-disabled, indicating a need for improving reasonable accommodation for the disabled in state government. More critical, however, is the low 2.6% application rate for the disabled, indicating a need for increased recruitment efforts. As with minorities the disabled were found to be fairly evenly distributed from the lowest to highest paid categories.

For more information or a copy of this report, call Ron Wilson, 444-3886.

PROFESSIONAL DEVELOPMENT CENTER

Schedule for April

There are a number of interesting and educational classes coming during the month of April under the auspices of the PDC. Here is a brief run-down.

Professional Writing Skills taught by Mary Ellen Campbell of the University of Montana, will be offered April 6 in the Montana Training Center, DNRC Building, from 8:30 to 4:30. This course covers modern-day writing for understanding, and is an excellent course for anyone who must write to others on a routine basis and wants to be certain to communicate, not just write! Cost is $65.00

Contemporary Writing Skills is taught by John Moore of the PDC staff. It is a good basic or refresher course for those who normally write reports, memoranda, and letters as a part of their job. It covers punctuation, grammar and style for simple, direct communication. Cost is $50.00, and it will also be in the Montana Training Center, on April 7 and 8, from 8:30 am to noon each day.

Managing the Disabled is a program designed to help managers become aware of the problems, frustrations and obstacles faced by handicapped employees. Ron Wilson of the State EEO Coordinator Office is the Instructor. Cost of the program, which begins at 10 am and ends at 3 pm on April 14, is just $20.00. It will be conducted in the Montana Training Center, DNRC building.

New Employee Orientation will be conducted in the Montana Training Center beginning at 10 am and ending at 3 pm, on April 21. Cost is $15.

Supervisory Clinic II. This day-long seminar addresses the problem of substance abuse in the workplace and is designed for managers and supervisors. Bob Marsenich of Metamorphoisis in Missoula is the seminar leader. Cost is $65.00 and the seminar will be conducted April 28 from 8:30 to 4:30 in the Montana Training Center.

Pre-Retirement Seminar: The next seminar will be conducted in the Holiday Inn in Billings May 3 and 4. Watch for further announcements.

Legislature 89 is a series of four "special sessions" to provide key information on the legislative process:

Budgets - April 5, with Bill Gosnell and Doug Booker

Justification - April 19, with Judy Rippingale

Presentation - May 3, with Keith Colbo and Hal Harper

Issues - May 19, with Lauren McKinsey

Cost is $60 for each session or all four sessions for $210.

professional development center

SPRING TRAINING 1988

Watch for a new class to be offered in May and June —

Contracting with Consultants

Legislature 89: The Budgets			April 5
Helena	8:30 a.m. – 4:30 p.m.	$60.00 *	
Professional Writing Skills			April 6
Helena	8:30 a.m. – 4:30 p.m.	$65.00	
Windmills: The Management Perspective			April 14
Helena	10 a.m. – 3 p.m.	$15.00	
Legislature 89: Justification			April 19
Helena	8:30 a.m. – 4:30 p.m.	$60.00 *	
New Employee Orientation			April 21
Helena	10 a.m. – 3 p.m.	$15.00	
Supervisory Clinic II: Dealing with Serious Personal Problems			April 28
Helena	8:30 a.m. – 4:30 p.m.	$65.00	
Legislature 89: Presentation			May 3
Helena	8:30 a.m. – 4:30 p.m.	$60.00 *	
Pre-Retirement Planning			May 3 & 4
Billings	9 a.m. – 4:30 p.m. each day	$50.00	
Motivation			May 5
Helena	1 p.m. – 5 p.m.	$50.00	
Contemporary Writing Skills			May 9 & 10
Helena	8:30 a.m. – noon each day	$50.00	
Telephone Courtesy			May 10
Helena	10 a.m. – 3 p.m.	$40.00	
Approaching Supervision			May 12
Helena	8:30 a.m. – 4:30 p.m.	$55.00	
Documenting Disciplinary Action			May 12
Helena	8:30 a.m. – noon	$40.00	
SBAS: Fiscal Year-End Procedures			May 13
Helena	8:30 a.m. – 4:30 p.m.	$55.00	
Interpreting SBAS Reports			May 16
Helena	8:30 a.m. – 4:30 p.m.	$55.00	
Legislature 89: The Issues			May 19
Helena	8:30 a.m. – 4:30 p.m.	$60.00 *	
Meetingful Minutes			May 24 & 25
Helena	1 p.m.–5 p.m. (5/24); 8:30 a.m.–noon (5/25)	$65.00	

Well, Well, Well

Get ready for Summer with these wellness courses. (Partial reimbursement of $70 fee is available for employees identified as "high risk.")

Weight Watchers

Offered during the noon hour over a 10-week period at the following locations:

Capitol Complex (two groups)
Starting Monday, April 4
Starting Wednesday, April 6

Highway Dept. Commission Room
Information meeting Monday, April 4

to enroll
call 444-3887 or 444-3809

* You may register for all four *Legislature 89* sessions for the special price of $210.

Separate flyers announce each course with more information.

To register, call us at ***444-3985***

Face to Face: Confrontation & Communication			June 1
Helena	8:30 a.m. – 4:30 p.m.	$65.00	
Contemporary Writing Skills			June 1 & 2
Helena	8:30 a.m. – noon each day	$50.00	
EEO, Recruitment, and Selection			June 2
Kalispell	8:30 a.m. – 4:30 p.m.	$55.00	
Media Relations			June 7
Helena	8:30 a.m. – 4:30 p.m.	$65.00	
Performance Standards and Appraisal			June 21
Helena	8:30 a.m. – 4:30 p.m.	$55.00	
Marketing in the Public Sector			June 22
Helena	8:30 a.m. – 4:30 p.m.	$55.00	
Effective Presentations			June 22, 23, 24
Helena	1 p.m. – 4:30 p.m.; 8:30 a.m. – 4:30 p.m.; 8:30 a.m. – noon	$10.00	

professional development center

state personnel division
department of administration

Montana Personnel Perspectives is published monthly by the State Personnel Division, Department of Administration. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Comments should be directed to "Perspectives Editor" at the address below.

State Personnel Division
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Helena, Montana 59620

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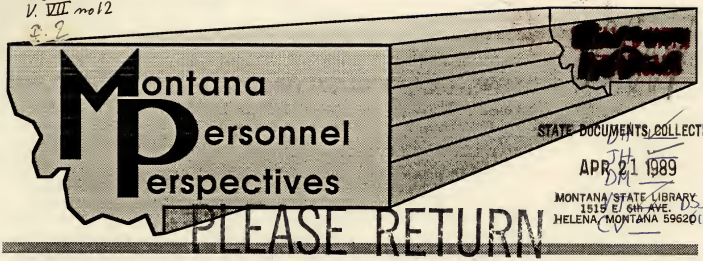

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Volume VII, Number 12 April, 1988

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RECENT HUMAN RIGHTS COMMISSION DECISIONS

By

James Zion, Staff Attorney
Montana Human Rights Division

This is part I in a series of articles from the Montana Human Rights Division.

In Montana, discrimination claims are most often resolved after investigation or conciliation efforts, without the need for a formal hearing. In the event a particular claim goes to hearing and a hearings examiner makes a proposed order, the case goes before the full five-member Human Rights Commission for its final order.

Over the last year the commission has made some difficult decisions. Discrimination is often subtle, and many evidentiary nuances come into play in the making of decisions. Some of the most recent decisions involved issues of sex, handicap and age discrimination.

Sex Discrimination

In Freese v. P.W. Berry, the commission found that a female construction laborer had been fired twice from a construction project because of her sex. The commission awarded her $4,730 in back wages, 10% interest, and placed the construction company under the supervision of the commission staff for a period of three years. (9/29/87)

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The case of Turner v. Omo Construction involved a highway construction "flagger" or traffic controller who claimed she was denied a better paying position as a "signer" or laborer who puts up traffic control signs. The commission found that she had failed to apply for or demand the position, which is required in discrimination law, and found in favor of the construction company. (9/26/87)

On occasion, employers seek a declaratory ruling to obtain commission approval for a business practice which would otherwise be illegal. In the Application of the Montana Department of Institutions, the commission found that there were factual and lawful conditions in the supervision of young women at the Mountain View School (near Helena) which would permit the school to hire only women as "cottage attendants" or supervisory personnel in the women's living quarters. (7/7/87)

In Four-Nier v. Quad State Construction and Equipment Company, the commission found that a woman construction worker was illegally denied employment in the construction of a grain elevator at Stanford, Montana. Other lesser qualified men were put on the job from a prior project, while Four-Nier was not hired. The commission awarded her $6,444 back wages, plus interest and placed the construction company under three years of supervision to assure that it would comply with Montana discrimination law in the future. (2/23/87)

Age Discrimination

Rettig & Hrasky v. K-Mart involved the case of two women, ages 60 and 62, whose positions as "door greeters" at a Billings K-Mart store were eliminated. At the time they were dismissed, the store provided employment for other, younger employees in similar situations. The commission found that they were the victims of age discrimination, awarded them $23,504 and $23,063, plus interest, the value of other benefits and jobs in the store. The store was placed under the supervision of the commission staff for three years. (9/29/87)

Handicap Discrimination

In Danielson v. Burlington Northern Railroad, the employer removed a railroad engineer from active service on freight trains because of heart bypass surgery, and assigned him yard service which included driving switching locomotives. The commission found his surgery and the handicap of having heart disease did not justify the railroad's actions, and he was awarded back pay, representing the difference between the salaries of freight locomotive engineers and yard locomotive engineers. (1/26/88)

For more information on discrimination claims, call the Human Rights Division, 444-2884.

Political Activities & State Employees

In 1939 Congress approved landmark legislation known as the Hatch Act which limits the political activities of federal and certain state and local government employees. The Hatch Act restricts the political activities of a state employee whose position is in a program financed in whole or part by federal loans or grants. Montana statutes on political activities are located in Title 13. These laws affect all state employees and the public in general.

The essence of both federal and state laws can be summed up in permissible and prohibited activities. Take running for office for instance. Any employee can be a candidate for public office in a non-partisan (no party affiliation) election. Any employee may campaign for and hold office in political clubs and organizations. An employee who works in a program which is not financed in any way by federal funds may be a candidate for any public office. If a state worker is part of a program which is financed wholly or in part by federal funds, that employee may not run in a partisan election. That's the Hatch Act restriction.

Campaigning and Contributions

As an employee, the right to campaign for candidates,

contribute to political organizations and attend political fund raising functions is not limited. The manner in which some things are done may be limited, however. In accordance with both Montana and federal laws, an employer and/or employee may not:

-use official authority or influence to interfere with or affect an election.

-directly or indirectly coerce contributions of money or any other thing of value or service from co-workers in support of parties, candidates or issues.

-coerce or require co-workers to support or oppose political parties, committees, candidates or issues.

-include with an employee's pay the name of a candidate, motto or argument containing threats or promises (express or implied) calculated to influence the political actions or opinions of employees.

-exhibit in a place "where his workers or employees may be working any handbill or placard containing any threat, promise, notice or information that in case any particular ticket or political party, organization, or candidate is elected, work in his place or establishment will cease, in whole or in part, or will be continued or increased; his place or establishment will be closed; the salaries or wages of his workers or employees will be reduced or increased; or other threats or promises (express or implied) intended or calculated to influence the political opinions or actions of his workers or employees (13-35-226 MCA)." This applies to corporations, individuals, public officers and employees.

-solicit support for or opposition to parties, candidates, committees or issues while at the work place. In this situation good taste and common sense must prevail. Rules of conduct (2-2-121, MCA) prohibit the use of state time, facilities or equipment for private business use. A bumper sticker may be fine on a personal car, but does not belong on the wall of a state workplace. Some agencies prohibit the wearing of campaign paraphernalia while at work. Employees should check with the agency personnel officer before pinning on that campaign button.

-promise appointments, positions, contracts, grants, or other considerations to induce any person to vote for or refrain from voting for any political party, committee, candidate or ballot issue.

Lobbying

An employee may, as a private citizen, promote or oppose the introduction or enactment of legislation before the legislature or members of the legislature. Remember, however, a state employee must follow all the rules of conduct and cannot promote a private interest on state time or cannot use confidential information obtained on the job for private activities or potential financial gain. If leave is properly requested and approved, then private business may be conducted.

Penalties

If the Merit Systems Protection Board (the federal agency governing the Hatch Act) finds that an offense warrants dismissal from employment, the employing agency must either dismiss the employee or forfeit a portion of federal assistance equal to 2 years salary of that employee.

Any person who violates Montana statutes concerning illegal influence, illegal consideration, coercion or threats shall be fined not to exceed $1,000, be imprisoned in the county jail for a term not to exceed 6 months, or both, for each separate offense.

A guide titled "Political Activity and the State and Local Employee" and copies of pertinent Montana laws relating to election activities have been distributed to the Montana Operations Manual, Volume III. To find out if you are covered by the Hatch Act, contact your agency

personnel officer. For further information, call Linda Currie, 444-3789.

Proposed Changes in Performance Appraisal Policy

A proposal to amend the Performance Appraisal Policy has been sent to agency heads, the Personnel Policy Network and agency legal counsel for comments. The changes proposed at this time would reduce the current five-level rating scale to a four-level scale.

The new four-level scale would make use of the terms "exceeds expectations," "meets expectations," "needs improvement," and lastly "unacceptable." Under this proposal written comments must accompany either a "needs improvement" or "unacceptable" rating.

The State Personnel Division has long-range plans to review the entire Performance Appraisal System. Later this year a task force will be named to critically analyze each aspect of the appraisal system from rules to forms to training.

If you have comments on the current proposal, call Mark Cress at 444-3972 or Gale Kuglin at 444-3984.

Employee Exchange/Loan Policy

A policy which would allow the exchange or loan of employees between positions which cross agency boundaries has been drafted and sent to the Personnel Network, agency heads and legal counsel for review and comment.

Under this policy employee exhanges or loans could be approved to improve efficiency, and service provided, to enable employee personal development or training, or to make the best use of an employee's knowledge, skill or interest. An "exchange" would allow the temporary or permanent transfer of two or more employees from their current positions to different positions in different agencies. A "loan" would involve the assignment of a single employee to another agency on a temporary basis.

To be eligible for the exchange/loan program an employee would have to: 1. occupy a permanent position in an executive branch agency; 2. have occupied such a position for at least one year; and 3. have a satisfactory performance history. Requests to participate in an exchange or a loan may be initiated either by employees or by agency management.

If the exchange is to be permanent most employee rights (i.e. permanent status, leave accrual, longevity, etc.), would transfer with him/her. Should the exchange be temporary, all of the above rights transfer, as does the right to reinstatement to the original position. Exchanges and loans must be approved by the heads of the agencies involved.

For more information, call Mark Cress at 444-3927 or Gale Kuglin at 444-3984.

Personnel Network Meeting

The Personnel Policy Network will meet at 8:30 a.m., Thursday, April 28, 1988, in the State Personnel Division Conference Room (Room 136, Mitchell Building).

Topics on the agenda include a discussion of comments received on the recently proposed Employee Exchange/Loan Policy and the proposed amendments to the Performance Appraisal Policy.

If you have questions about the meeting, call Gale Kuglin, 444-3984.

The Professional Development Center has added a new instructor, Betty J. (B.J.) Combest, from Missoula.

Ms. Combest is a native Texan who graduated from East Texas State University with

a BA in English and History. Her masters degree in education was earned at Southeast Missouri State University, and she is a doctorial candidate at Montana State University

Prior to coming to the PDC, Ms. Combest was a professional educator/teacher in Monroe County Schools, Key West, Florida. She is currently developing new training courses. Her telephone number is 444-3774.

Classification Pursuit

Question

Mike, a Geologist I, regularly assigns work to the office secretary. He has learned that the Geologist I class spec does not address Supervision Exercised, but the Geologist II spec does. Mike wonders, "Should I request a classification review?"

Governor's Committee On Employment Of People With Disabilities

The first meeting of the Governor's Committee on Employment of People with Disabilities (GCEPD) was held Thursday, March 31, to establish a two year work plan and elect new officers. The GCEPD is a continuation of the former Governor's Committee on Employment of the Handicapped, but with a new membership structure and some new goals.

Gordon Hage of the Department of Justice was elected chair. Judy Harris of the Montana Independent Living Project was elected co-chair.

Some of the major projects/activities of the committee established at the meeting are as follows:

-Undertake a feasibility/cost study of having at least one telephone device for the deaf (TDD) installed in each major state agency office. TDD's would allow the deaf to contact state agencies directly without going through a non-deaf third party.

-Undertake a study of disabled employment barriers in state government. This would include not only studying accessibility for the mobility impaired, but also barriers affecting other disabilities and in the recruitment and selection process.

-Sponsor another statewide conference on disabled employment issues. This year's conference would provide interactive panels and informational workshops.

-Hold special meetings of disabled advocacy groups to discuss the Veteran's/Handicapped Preference Act.

-Increase lobbying efforts on state and federal bills, policies, and rules affecting disabled employment.

-Structure Governor's Committee awards to reflect the President's Committee on Employment of the Handicapped (PCEH) national awards where possible. This would include Employer of the Year awards for large and small, private and public employers (four awards), and the Disabled Person of the Year award. State winners would be recognized at the annual statewide conference and would be nominated for PCEH national awards.

-Study ways of improving networking on both local and statewide levels. This would include increasing the committee's ways of communicating with disabled advocacy groups and employers statewide, and working with community organizations to improve and establish local disabled employment networks.

-Increase public relations and media exposure for employment of the disabled. This would include emphasis on more television exposure of successful disabled people who work in Montana.

In other committee business, Judy Harris gave a presentation on her efforts through the Montana

Independent Living Project in promoting Barrier Awareness Week, May 2-9. She was invited by committee member Larry Fasbender, Director of the Department of Natural Resources and Conservation, to attend a meeting of the governor's policy board to explain ways state agencies could become involved in Barrier Awareness Week.

The committe will meet again Tuesday, June 14, 8:30 a.m. through 4:00 p.m. in the Glacier Room, DNRC Building. Any person interested in the committee's work is invited to attend. For more information on the committee, call Ron Wilson at 444-3886, or write to the GCEPD, Rm. 130, Mitchell Building, Helena, MT, 59620.

Affirmative Action Plans

Almost all agencies have now submitted draft affirmative action plans for 1988-1989. Ten plans have been approved by the EEO Section of the State Pesonnel Division. Many agencies have shown significant improvement in the utilization of women and minorities since the last plan period. Some have reached parity for protected groups in most EEO categories. The utilization of women in Category A, Administrators and Officials, continues to be an area of concern for most agencies.

The EEO Section is offering an updated AA briefing to agencies. This training covers the basics of affirmative action from identifying underutilization and the causes of it, to setting hiring goals and establishing appropriate actions to achieve these goals. The briefings incorporate an agency's own AA plan so that the principles of affirmative action can be directly related to the individual agency's goals and actions for the next two years.

The two hour briefings are offered at no charge and can be arranged by request. They will also be offered quarterly through the Professional Development Center's open enrollment schedule. To schedule an affirmative action briefing session, call Linda Davis (444-3796) or Ron Wilson (444-3886).

"On the Road" with Employee Benefits

The statewide employee benefits meetings will be completed in May. The final series of meetings will be held in Warm Springs, Deer Lodge, Boulder and Galen May 2 through May 17. The 1 1/2 hour meetings discuss Health Care Benefits, Deferred Compensation and P.E.R.S. Letters and meeting schedules were sent to department directors.

For more information , call Debi Flentie, 444-3887.

"Get Fit" is being sponsored by the State Wellness Program. This 5 session class is taught by Cindy Brown, dietician from St. Peter's Hospital and classes will be held in the capitol complex. The class will provide the basis of good nutrition and show how to find a place for exercise in your life. The cost of the class is $35. (Qualified for reimbursement through the State Wellness Program.)

Dates/Times-

Noon to 2:00 pm
Thursday, May 12
Tuesday, May 17
Thursday, May 19
Tuesday, May 24
Thursday, May 26

For more information, call Debi Flentie at 444-3887.

Group Benefits Advisory Council

At the March 24 meeting, the Group Benefits Advisory Council considered a request to cover services provided by licensed professional counselors under the state Group Benefits plan. The council voted to consider this again at a future meeting. The state plan currently covers mental health services provided by licensed physicians, licensed psychologists, licensed social workers, licensed general or psychiatric hospitals, licensed mental health clinics and chemical dependency treatment centers.

The council also heard preliminary reports on vision

care and reviewed employee letters on the issue.

The council voted to recommend continuing the Health Screening Program. The Department of Administration will request a proposal for the program, since the contract with Life Care, Saint Vincent Hospital expires this summer.

Linda Kaiser presented a preliminary report on options available for reducing costs of inpatient services. Inpatient services were targeted for exploration of cost-saving measures, such as case management because inpatient costs are 59% of total plan costs. The council will act on these options at the May 24 meeting.

Debi Flentie reported that the second quarter interest rate on the Deferred Compensation Plan Fixed Accounts remained the same as the first quarter – 9.10%. Deferred Compensation account balances now total $45,000,000 with $40,000,000 in the Fixed Annuity Accounts and $5,000,000 in the Variable Annuity Accounts. Montana Benefits, Inc. reports were reviewed showing that some of the variable accounts have rebounded somewhat after the stock market crash.

The next Group Benefits Advisory Council meeting is scheduled for May 24 at 10:00 a.m. in Room 136, of the Mitchell Building.

For more information, call Joyce Brown at 444-3871.

We bribed you before but now.....

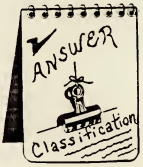
"This Is A Bribe"

To get you ready for Summer

The State Wellness Program is still offering a partial reimbursement to eligible employees for enrollment in certain programs to improve their health.

- introductory cardiovascular fitness
- smoking cessation
- weight control
- nutrition

For more information call Debi Flentie, Employee Benefits Section, 444-3887.



Supervision Exercised, as discussed in previous issues, is one of five factors considered by job analysts when classifying jobs. The factor is defined as the degree of responsibility a position has for assigning, planning, instructing or directing the work of other positions that are subordinate to them within the organization.

When a reclassification request is based on added supervisory responsibilities, job analysts need to know whether the incumbent exercises lead or line supervision:

"Lead supervision" is analogous to "working supervision." Under a lead arrangement, work assignments and priorities are funneled through a "lead worker" to the work crew. The lead worker performs most of the same duties that the subordinate workers perform, and in addition, relays all or most work assignments, demonstrates proper methods, reviews the work, enforces policies, and reports the status of work to the higher-level supervisor. Lead workers may play a part in interviewing and selecting new employees and they often provide input concerning work performance. Hiring, disciplining and formally evaluating work crew members, however, are responsibilities left to the line

supervisor.

"Line supervision" is exercised either directly or indirectly through a subordinate supervisor. Some of the strongest characteristics of line supervision are the authority to recommend hiring, disciplining and promoting subordinate workers; to adjust work schedules; and to interpret, monitor and implement work plans, policies and procedures.

In a nutshell, a lead worker has significant responsibility for the quantity, quality, and timeliness of the work produced by a work crew. The knowledges and skills necessary for lead work supervision pertain mainly to the tasks performed by the work unit. A line supervisor, in contrast, should know basic personnel practices such as selection procedures, writing position descriptions, evaluating performance, and handling discipline problems. A line supervisor may not be directly involved with the details of the work performed by subordinates.

Mike does not meet the definition of either leadworker or line supervisor by virtue of assigning some work to the secretary. While he has some responsibility for reviewing the work he assigns, he does not evaluate the secretary's performance. He hasn't shown that he has any role in demonstrating proper methods for typing, filing, answering the phone, or any of the other duties she may be assigned, nor is it his responsibility to interpret or see that she carries out office policies. He may request priority treatment for work he assigns her, but he has not shown that he can determine what her priorities will be. As a geologist, Mike does not perform the same work the secretary does. She is not considered subordinate to him; he does not approve her leaves of absence; and if she should terminate her employment, he would not be involved in the selection of her replacement.

What if Mike were the line supervisor? Would that make a difference in his classification? At what point does supervisory responsibility make a grade difference? These are questions that will be considered in the next Classification Pursuit. For more information call, Paula Stoll at 444-3884.

Savings Bonds Drive

The 1988 state U.S. Savings Bonds Drive is about to begin! The four-week campaign kicks off April 25th. The theme of this year's drive is "Your Passport to a Better Future." Coordinators have been chosen in each agency and they have, in turn, named canvassers to assist them in informing everyone in state government about U.S. Savings Bonds, which are as profitable as they are patriotic. The bonds have a current minimum yield of 6% if held five years or longer and the present semiannual market rate is 7.17%, considerably higher than passbook rates of around 5%. And, they are a great way to save for your children. So, get ready. Your opportunity to increase your current savings or to become a new saver is on the way! Your canvasser will be in touch with you soon.

PDC Announces New Classes For May

As we approach the fiscal year-end, the Professional Development Center has scheduled two classes of special interest to those who work wirth SBAS documents.

SBAS: Fiscal Year-end Procedures. This one-day session will be conducted in the Glacier Room, DNRC Building, on May 13, from 8:30 a.m. to 4:30 p.m. It is aimed at those who must prepare input documents for the State Budget and Accounting System. Cost of the workshop is $55.00.

Interpreting SBAS Reports. This half-day session will deal only with the 600 series reports, and is intended for managers who want a basic understanding of those reports. The workshop will be held in the Glacier Room, DNRC Building, on May 16, from 8:30 a.m. to noon. The cost is $40.00.

Another class scheduled is **Meetingful Minutes.** This popular class will be instructed by Ray Fenton. It offers

practical training in the taking and writing of meeting minutes. The class will be in the Glacier Room, DNRC building, May 24, from 1 p.m. to 5 p.m.; and May 25, from 8:30 a.m. to noon. Cost is $65.00.

OUT-OF-HELENA CLASSES

Beginning May 18, the six-part **Essentials of Management** series will be offered in Missoula. This series is intended for supervisors and costs $365.00. Dates for the series, which will be held in the Red Lion Inn at 700 West Broadway are:

May 18 - Leading
May 19 - Organizing
May 24 - Delegating
June 8 - Measuring
June 9 - Controlling
June 14 - Protecting
June 15 - Synthesis

EEO, Recruitment, and Selection. This day-long seminar will be offered in Kalispell June 2, from 8:30 a.m. - 4:30 p.m. The location will be announced later. This workshop is intended for managers and supervisors who may be in a position to employ others. Cost is $55.00.

Anyone desiring to enroll in one of these classes, or wanting information about these and others offered through the auspices of the Professional Development Center, is urged to contact their personnel representative or call PDC at 444-3985, 444-3749, or 444-3774

MANAGEMENT TIP

When managers don't consult with others they are demonstrating a common management failing. The reason managers don't consult is that it runs counter to normal impulses. Consulting can cause delays, elicit irrelevant objections and cause modifications. Managers also often feel uncomfortable asking subordinates to consult. But the manager who does consult will often avoid major morale problems, and increase espirit de corps. A good trade-off!

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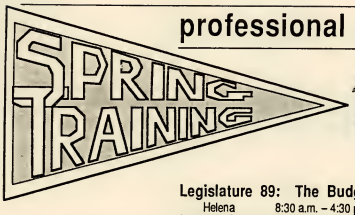

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Watch for a new class to be offered in May and June —

Contracting with Consultants

Legislature 89: The Budgets — April 5
Helena 8:30 a.m. – 4:30 p.m. $60.00 *

Professional Writing Skills — April 5
Helena 8:30 a.m. – 4:30 p.m. $65.00

Windmills: The Management Perspective — April 14
Helena 10 a.m. – 3 p.m. $15.00

Legislature 89: Justification — April 19
Helena 8:30 a.m. – 4:30 p.m. $60.00 *

New Employee Orientation — April 21
Helena 10 a.m. – 3 p.m. $15.00

Supervisory Clinic II: Dealing with Serious Personal Problems — April 28
Helena 8:30 a.m. – 4:30 p.m. $65.00

Legislature 89: Presentation — May 3
Helena 8:30 a.m. – 4:30 p.m. $60.00 *

Pre-Retirement Planning — May 3 & 4
Billings 9 a.m. – 4:30 p.m. each day $50.00

Motivation — May 5
Helena 1 p.m. – 5 p.m. $50.00

Contemporary Writing Skills — May 9 & 10
Helena 8:30 a.m. – noon each day $50.00

Telephone Courtesy — May 10
Helena 10 a.m. – 3 p.m. $40.00

Approaching Supervision — May 12
Helena 8:30 a.m. – 4:30 p.m. $55.00

Documenting Disciplinary Action — May 12
Helena 8:30 a.m. – noon $40.00

SBAS: Fiscal Year-End Procedures — May 13
Helena 8:30 a.m. – 4:30 p.m. $55.00

Interpreting SBAS Reports — May 16
Helena 8:30 a.m. – 4:30 p.m. $55.00

Legislature 89: The Issues — May 19
Helena 8:30 a.m. – 4:30 p.m. $60.00 *

Meetingful Minutes — May 24 & 25
Helena 1 p.m.–5 p.m. (5/24); 8:30 a.m.–noon (5/25) $65.00

Well, Well, Well

Get ready for Summer with these wellness courses. (Partial reimbursement of $70 fee is available for employees identified as "high risk.")

Weight Watchers

Offered during the noon hour over a 10-week period at the following locations:

Capitol Complex (two groups)
Starting Monday, April 4
Starting Wednesday, April 6

Highway Dept. Commission Room
Information meeting Monday, April 4

to enroll
call 444-3887 or 444-3809

* You may register for all four ***Legislature 89*** sessions for the special price of $210.

Separate flyers announce each course with more information.

To register, call us at
444-3985

professional development center
state personnel division
department of administration

Face to Face: Confrontation & Communication — June 1
Helena 8:30 a.m. – 4:30 p.m. $65.00

Contemporary Writing Skills — June 1 & 2
Helena 8:30 a.m. – noon each day $50.00

EEO, Recruitment, and Selection — June 2
Kalispell 8:30 a.m. – 4:30 p.m. $55.00

Media Relations — June 7
Helena 8:30 a.m. – 4:30 p.m. $65.00

Performance Standards and Appraisal — June 21
Helena 8:30 a.m. – 4:30 p.m. $55.00

Marketing in the Public Sector — June 22
Helena 8:30 a.m. – 4:30 p.m. $55.00

Effective Presentations — June 22, 23, 24
Helena 1 p.m. – 4:30 p.m.; 8:30 a.m. – 4:30 p.m.; 8:30 a.m. – noon $10.00

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MONTANA'S GOVERNMENTAL CODE OF FAIR PRACTICES

MONTANA LEADS THE WAY IN CIVIL RIGHTS

This is the first part in a series of articles specifically on this Code by Jim Zion, Staff Attorney, Montana Human Rights Commission.

The years 1972 through 1975 were exciting ones for advocates of equality for all before the law. The Montana Constitution of 1972 flatly prohibits discrimination against people because of their race, color, sex, culture, social origin or condition, or their political or religious ideas. Our constitution is unique among state constitutions because it contains a fundamental bar to discrimination both by government and by society at large. When this provision, Article II, Section 4, was proposed to the Constitutional Convention, the committee recommendation adopted was that the Montana Legislature would give "considerable statutory embellishment" to the constitutional right to be free from discrimination.

The legislative session of 1974 began the "embellishment" process through the enactment of the Montana Human Rights Act

STATE OF OHIO

and the creation of the Montana Human Rights Commission. The Act, one of the most comprehensive pieces of civil rights legislation in the United States, now prohibits discrimination because of race, creed, religion, color, national origin, age, physical or mental handicap, marital status or sex.

The Human Rights Act was a very "traditional" piece of legislation because it closely followed federal civil rights legislation of the 1960's (particularly the Civil Rights Act of 1964) and the format of modern state civil rights legislation.

The 1974 session of the Montana Legislature did something else to carry out the expectations of the Constitutional Convention. The Legislature formed an interim legislative study committee to find ways of implementing Article II, Section 4 of the Constitution (which is known as the "Equal Dignities" clause).

The interim committee focused upon equal rights for women as the thrust of its work. (Montana had ratified the federal Equal Rights Amendment to the U.S. Constitution during the 1974 session in addition to its other achievements in civil rights.) It studied various approaches to removing sex discrimination from Montana's law and went beyond traditional civil rights legislation in its approach to the problem. The interim committee proposed the Montana version of the Uniform Marriage and Divorce Act in hopes of reforming an area of law which greatly affects women. It also amended many older Montana statutes to remove sex bias from their provisions.

Possibly the most important piece of legislation which came out of the committee's studies, however, was the Montana Governmental Code of Fair Practices. The Code is designed, not only to foster equality for women, but for many other groups as well.

Recent history gives rise to our code. In the years following World War II a great deal of progress came from the executive offices of national and state government. President Truman took the initiative to attack race bias in the armed forces and in executive branch employment. Other presidents then followed his lead. During the height of the civil rights movement of the '60s, some state governors also sought to address civil rights problems through executive order.

The Code of Fair Practices of the State of Connecticut was the model for Montana's law. That code began as an executive order by the governor, and it prohibited all executive agencies of the state from not only active acts of discrimination, but also from participation in any act of discrimination. The intent of the executive order and the legislative code which followed it was to assure that the state would not cause, permit, allow or sanction any discrimination within the control of a state agency.

The 1975 legislation brought that concept to Montana.

The 1975 session of the Montana Legislature adapted the Connecticut law to fit Montana's circumstances and assigned responsibility for enforcement of the Montana Governmental Code of Fair Practices to the Human Rights Commission. The law applies not only to all agencies, departments and branches of state government, but also to universities, colleges, counties, cities, towns, and other parts of local government as well. It is an important tool for preventing discrimination, because it makes all of Montana government a partner with the Human Rights Commission in the enforcement and prevention effort.

Next time: The duty of government not to discriminate.

MONTANA

FAXNET

PROJECT

PROJECT WINS NATIONAL AWARD

The Montana Faxnet Project administered under a grant to the State Law Library of Montana, has been selected by the Administrative Management Magazine of New York City, NY, to receive the 1987 Second Place Office Automation Award for outstanding achievement in its innovative use of facsimile technology. The Montana Faxnet Project placed second in a field of 112 applicants.

The Montana Faxnet Project was started in 1986,

when the Fred Meyer Charitable Trust in Portland, OR, awarded a grant to the State Law Library to document and demonstrate the effectiveness of facsimile equipment. The goal of the grant was to test facsimile equipment in five different sectors which included legal, educational, medical, governmental and business organizations. The fax equipment was first introduced during the 1987 Legislature. A fax unit was placed at the Capitol Information Desk, and 15 other remote machines were installed throughout the state. This network provided Montanans with the opportunity to fax testimony into their legislators. Lobbyists, journalists and other professionals also had the mechanism to send information to a statewide network. During the last 18 months the fax equipment has been tested in 60 different organizations, including state agencies.

Because of the keen interest in facsimile technology, the State of Montana has initiated procedures to develop a term contract. It is anticipated that between 30 and 50 fax units will be installed in state offices throughout the next year.

Facsimile technology has helped to diminish the geographic barriers people cope with in Montana. It has provided Montanans with the opportunity to access, retrieve and send information to a network of state, national and international systems.

For additional information about the Montana Faxnet Network, contact Linda Brander, Project Director, State Law Library, 444-2427.

NETWORK DISCUSSES POLICIES

Sexual Harassment, AIDS in the workplace, Performance Appraisal and Employee Exchange/Loan policies were discussed at the April 28 Personnel Policy Network Meeting.

Revision of the Sexual Harassment Prevention Policy is nearing completion. A model policy statement summarizing the rule also will be available for agency use.

The proposed Employee Exchange/Loan Policy will be revised and redistributed to agencies for comments. Proposed amendments to the Performance Appraisal rating scale also will be revised. The State Personnel Division will form a task force to conduct an in-depth review of the entire performance appraisal system.

Training materials on AIDS will be prepared for use by state agencies. The training will cover health education, workplace policy and supervisory issues. B.J. Combest and Linda Currie of the State Personnel Division, in cooperation with the Montana AIDS Project and the Montana Human Rights Commission, are preparing the training. For further information call 444-3871.

Joyce Brown gave a brief presentation regarding the "Get Fit" Program and the upcoming Governor's Cup Race. The "Get Fit" Program is designed to provide participants with information pertaining to fitness and nutrition.

There will be interagency competition at the Governor's Cup. To register agency teams or individuals call Debi Flentie, 444-3887.

SICK LEAVE FUND UPDATE

The Sick Leave Fund now has 412 members who have contributed 4,808 hours of sick leave. There have been 184 hours granted from the fund to members.

Direct Grants have been given by 745 state employees to 105 recipients. The total hours granted were 11,139 and the total hours accepted were 10,224.

An 8-hour contribution of sick leave is all it takes to join the fund. Employees who are interested in joining or who are interested in information about direct grants should call their agency personnel officer.

"BARRIER AWARENESS WEEK"

Several state agencies made special arrangements to promote awareness of the problems faced by disabled persons during "Barriers Awareness Week," May 2-9, 1988.

The Department of State Lands obtained a wheel chair and several managers spent from four to eight hours confined to it while trying to do their jobs. One manager rolled from the State Lands offices on 11th Avenue to the Department of Natural Resources and Conservation building for a meeting. No special accommodations were made by other employees. The comment often heard: "It was a real eye opener."

Linda Davis and Ron Wilson, of the State EEO Office, gave a presentation for the Department of Natural Resources and Conservation on EEO generally and problems of the disabled specifically. Ron presented "WINDMILLS." This is a modified and expanded version of the original program for managers concerning the issues of employing the disabled.

Department of Labor and Industry asked Judy Harris of the Independent Living Center and Co-Chair of the Governor's Committee on Employment of People with Disabilities to speak to the staff about barriers faced by the disabled. Judy also conducted an evaluation of the building and its existing barriers. As a result of this meeting, the department is installing a Telephone Disability Device which allows hearing impaired persons to communicate with the department.

The Department of Administration showed a person with multiple disabilitie through the computer center in anticipation of placement in a work experience situation. The purpose of the exercise was to identify physical barriers which a person in a wheel chair might face.

The director and handicapped employees of the Department of Revenue conducted a staff meeting to discuss various barriers faced by the disabled, especially physical and attitudinal barriers. A staff meeting was also held at Military Affairs to promote awareness of barriers faced by disabled persons.

The Secretary of State's office produced a letter outlining the necessity of making accommodations for the handicapped in public places such as voting sites.

Barrier Awareness Week provided agencies with a chance to examine, experience and become aware of some of the problems faced by our handicapped co-workers.

Classification Pursuit

Question

Dexter is a unit supervisor who exercises line supervision (as described in the last Classification Pursuit article). His staff consists of six "technicians" who process standardized forms by first checking them for completeness and accuracy and then applying a fairly extensive body of rules in order to assign appropriate categories and recommend actions. He also supervises a file clerk and an office clerk.

Phoebe is also a unit supervisor and she also exercises line supervision. Her staff includes six "professionals" each of whom performs inspections, conducts interviews, reviews reports, and applies the theories, principles, and practices of their profession in analyzing the information they've gathered, drawing conclusions, and recommending action. She also supervises an administrative assistant and an office clerk.

Supervision of a work unit is the major duty of both Dexter's and Phoebe's positions. Both perform similar supervisory functions in assigning work, determining work flow, providing assistance with difficult problems, selecting new employees to fill vacancies, assuring training for staff as needed, conducting performance appraisals, approving leave or overtime, effecting discipline as needed, and reviewing work results.

Should Dexter's and Phoebe's positions be classified the same?

"This Is A Bribe"

To help you enjoy this summer

The State Wellness Program is still offering a partial reimbursement to eligible employees for enrollment in certain programs to improve their health.

- introductory cardiovascular fitness
- smoking cessation
- weight control
- nutrition

For more information call Debi Flentie, Employee Benefits Section, 444-3887.

WALKING IS JUST WHAT THE DOCTOR ORDERED

Walking didn't use to be considered an "in" form of exercise. You didn't need a $20 set of matching designer aerobic tights, leotards and leg warmers to begin. You didn't have to go to Aspen or Vail with a car load of ski paraphernalia to practice it. You didn't have to join a health club in order to walk with the "right" people.

Walking, almost the universal exercise, has now come into its own. It's legitimate exercise, gives aerobic conditioning, improves health, and even has its very own magazine. (The Walking Magazine, PO Box 56561, Boulder, CO 80322-6461; 1-800-525-0643.) There isn't a lot of advice you need to begin a regular walking program.

Start slowly. Especially if you've been your basic couch veggie for 15 years. Don't try to cover 10 miles in a two-hour fast paced walk the first time out. Begin with 15-20 minutes a day if you've never exercised before. Gradually work up to 30 minutes or more a day, covering a mile in 20 minutes. As you increase speed and distance (slowly) you can reach an aerobic conditioning level. That's when you can cover a mile in 11 to 17 minutes (a fairly brisk pace). Simple stretching exercises before and after walking will reduce chances of injury and soreness.

Der feetsies. Good walking shoes are as important as jelly is to a peanut butter sandwich. Pick lightweight shoes with cushioned soles and a firm heel grip. Good arch supports are important, but if you tend towards flat, duck-like feet as some of us do you can buy shoes with moderate or low arches. In winter, wear shoes with cleated or cushioned soles to avoid sudden, painful and intimate contact with the ground. Make sure you have a half inch of clearance between your longest toe and the end of the shoe because feet swell when you walk.

Dress for success. In summer, light weight, breathable, natural fabrics (i.e. cotton) are best. Avoid the mid-day heat. In winter, layer clothing starting with underwear which holds moisture (sweat) away from your body (e.g. polypropylene). Other layers can include a wool sweater and a waterproof jacket. Layers that can be removed and put back on depending on how the winds (and snows and rain) do blow are the basic idea. A hat is derigueur in winter. Close to 50 percent of body heat loss escapes through the head. Two layers of socks (one wool) and wool mittens complete the well-dressed, warm walker. In between seasons, a variation of the layering approach is best to avoid becoming wet and miserable (and hypothermic) if the weather shifts suddenly.

Program for success. Like any other form of exercise, unless you plan for it and make it a priority, you may end up back on the couch in front of the boob tube. Really examine your day and figure out when is

the best time to walk. If you hate getting up in the morning, planning for a 6:30 a.m. walk is destined to meet with a groan, a roll over in the bed plus guilt later. Obvious times besides early morning are over the lunch hour or after work. If your schedule is flexible, pick another convenient time during the day, and while we don't recommend becoming a slave to your walking, make it a priority. Schedule it in your appointment book on the days you plan to walk. Tell your friends and colleagues that only an act of Congress (or God) allows you to break the appointment you've made with yourself.

Really program for success. Make a pact to walk with a friend or collegue who won't let you whine or weasel out of the walk, no matter what.

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STATE GOVERNMENT COMPETITION

GOVERNOR'S CUP FESTIVAL 1 9 8 8

STATE GOVERNMENT COMPETITION

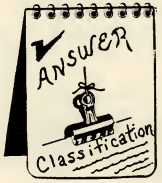
The State Wellness Program is sponsoring a State Government Competition between agencies again this year in the annual Governor's Cup Race in Helena. The race date is June 4th and the events are a 5K, 10K, 20K, marathon and marathon relay.

Awards have been expanded to three categories this year:

-Agency Team Event
-Agency Participation Event
-Individual Participant Event

Letters have been sent to Department Directors and flyers announcing the competition will be sent to agencies.

For more information, call Debi Flentie at 444-3887.



Staff size is one component of the Management and Supervision of Others factor. (The larger the staff, the more effort is required in planning and coordinating staff assignments, monitoring work flow, and reviewing results -- and the more likelihood of having to fill vacancies, or take disciplinary action.) Dexter's and Phoebe's positions are equal in this regard.

Another component of this factor is the number and types of supervisory actions involved. Dexter and Phoebe have similar responsibilities in the supervision of a work unit. Their positions require the same degree of knowledge of personnel practices such as performance appraisal, recruitment and selection, and discipline handling. There may be some differences in the degree of planning and coordinating required, and certainly there is a difference in the difficulty involved in reviewing the work.

The level of work performed by the staff also impacts the Mangement and Supervision of Others factor. Dexter needs to know the rules and processes involved in the work his technicians perform in order to establish priorities, modify work methods, or resolve problems with application of rules.

Phoebe needs to know the concepts and established practices of a body of professional knowledge in order to discuss the issues involved in the work, resolve problems, and determine whether the recommendations made by her staff are sound. Problems in her unit would likely involve more judgment than those encountered by Dexter's unit. The information dealt with would come from a number of sources rather than from standardized forms, and would be of diverse, not easily verified types.

From the way the question is posed, it appears that Phoebe's subordinates, with the exception of the clerical support staff, all perform the same type of work. If there were some diversity in the types of professions represented on her staff -- for instance, if she supervised accountants, programmer analysts, a technical writer, and two biologists -- this would add

even more strength to her position, as she would need to be somewhat familiar with a number of different professions in order to supervise the work.

Dexter needs technical plus supervisory knowledge. Phoebe needs professional plus supervisory knowledge. Phoebe's position would be classified higher than Dexter's even though they are similar in some respects.

For further information about how supervisory duties are evaluated, call Lana Loughrie at 444-3854.

SAVINGS BONDS FOLLOW-UP

The state's four-week U.S. Savings Bonds Drive for 1988 is officially over. Preliminary tallies indicate another successful drive, thanks to much hard work by many agency coordinators and canvassers. While the drive itself has ended, it's important for state employees to remember that they can buy bonds at any time. As their financial circumstances change, they can contact their agency's centralized services division and ask to put aside a portion of their paychecks to buy bonds. The bonds have a current minimum yield of 6% if held five years or longer and the present semiannual market rate is 7.17%, considerably higher than passbook rates of about 5%. And, they are a great way to save for your children. U.S. Savings Bonds are as profitable as they are patriotic!

PROFESSIONAL DEVELOPMENT CENTER

CLASSES FOR JUNE

Although many of the classes being offered through the auspices of the Professional Development Center are filling rapidly, there is still room in the following:

EEO, Recruitment and Selection: This day-long seminar will be instructed by Linda Davis, state EEO Coordinator, and will be presented in the Outlaw Inn, Kalispell, on June 2. This class is aimed at managers and supervisors who actually interview applicants for jobs and want to insure they comply with all the necessary rules and regulations. The class will begin at 8:30 a.m. and the cost is $55.

Media Relations: This active seminar is for anyone who meets the press or is interviewed by telephone regarding his or her agency. It is taught by John Camper of the PDC, and includes a video-taped interview about a topic of your choice. It will be held in the Montana Training Center, DNRC Building beginning at 8:30 a.m. on June 7. Cost is $65.

Performance Standards and Appraisal: A practical seminar aimed at anyone who supervises and rates others in the performance of their job. John Moore of the PDC conducts the one-day seminar which begins at 8:30 a.m. on June 21 in the DNRC Building. Cost is $55.

Marketing in the Public Sector: Most of us do not associate marketing with our agencies, but unless we let the public know about our services there is no way they can take advantage of our programs. This six-hour seminar will help you develop a complete marketing plan for your agency or program. This seminar is led by John Camper and will begin at 8:30 a.m. on June 23 in the DNRC Building. Cost is $55.

Contracting with Consultants: This one-day class will be offered twice during June and will focus on the issues of properly selecting, contracting with, and monitoring the performance of consultants to government agencies. The dates are June 16 and June 22 and it will begin at 8:30 a.m. in the DNRC Building. Cost is $45.

Information:
Anyone interested in learning more about these or other classes offered by the PDC, is urged to contact their Personnel Representative or call the

Professional Development Center at 444-3985 or 444-3749/3774.

MDAC MEETS AGAIN!

The Management Development Advisory Council, which serves in an advisory capacity to the Professional Development Center, met during April at the Montana Training Center, DNRC Building. The MDAC is composed of Laurie Ekanger, Administrator of the Montana State Personnel Division as chair; Newell Anderson, Commerce; Mary Blake, Family Services; Gary Curtis, Labor and Industry; David Darby, Natural Resources and Conservation; Dr. Maureen Fleming, University of Montana; Mike Levin, Justice; Russell McDonald, Highways; and Dr. Kenneth Weaver, Montana State University.

MDAC members attending were briefed about two new programs in the development stages at the PDC. The first is a pre-management training curriculum similar to the current seven-part ***Essentials of Management.*** This series would be aimed at those non-supervisory personnel recommended by their supervisors. It is expected to be offered beginning in October, 1988.

Coupled with this program will be a Certification system intended to be equivalent to actual experience as a supervisor. To qualify for certification, a participant in the pre-management training would be tested prior to the start of the program, and re-tested following training. Certification would be awarded upon successful passage of the final test, plus all in-class assignments, and an on-the-job evaluation by the supervisor.

The council was also briefed on the proposed Employee Exchange/Loan Program.

Anyone wishing to comment about the workshops and seminars offered by the PDC, or anyone with ideas to make the program more effective, please call one of the MDAC members or call the PDC at 444-3855.

The next meeting of the MDAC will be in August.

******

COMING ATTRACTION!

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During the months of August and September, the State Personnel Division, in cooperation with the Montana AIDS Project and the Montana Human Rights Commission, will present several one day sessions to train agency designated "information providers" in the skills and knowledge necessary to present ***AIDS in the Workplace*** seminars to employees in their agencies.

Agency directors recently received information about scheduling and registration.

MANAGEMENT NOTES

Managers give many excuses for not planning. Regardless of what they say...here is what they really mean:

- We don't need anything that formal or complex. *(it's too hard and I might fail to do a good job)*
- It requires too many decisions. *(when I make decisions I become vulnerable)*
- It takes too much time. *(I'd rather focus on day-to-day operations)*
- There's too much structure. *(it constrains my actions so that I can't act on impulse)*
- I don't need a plan...I know my job. *(besides, if I write it down, I'll be expected to actually do it!)*

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Helena, Montana 59620

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MONTANA'S GOVERNMENTAL CODE OF FAIR PRACTICES

PROHIBITION OF DIRECT GOVERNMENTAL DISCRIMINATION

This is the second part in a series on the Governmental Code of Fair Practices by James W. Zion, staff attorney for the Montana Human Rights Commission.

The most obvious purpose of civil rights legislation is to prohibit direct discrimination and provide a mechanism to enforce that prohibition. The Montana Governmental Code of Fair Practices of 1975 focuses upon the governmental agencies and bodies of the state and prohibits them from discriminating against protected groups of people. Its structure includes a designation of protected groups, an outline of governmental operations and interests covered by the prohibition, and a number of commands to take positive steps to correct and prevent discrimination.

The code applies to all the possible forms of state and local government, including central state agencies, bureaus, departments, boards, commissions, offices and all their instrumentalities, state educational institutions,

counties, cities, towns, school districts and their instrumentalities and units. All branches of state and local government fall within the statutory prohibitions and mandates, and they apply to every part of Montana government from the state departments headquartered in Helena down to a town's dogcatcher.

The groups protected by the law, the code's "protected classifications," carefully mirror those found in the Human Rights Act and implement those found in the Equal Dignities Clause of the Montana Constitution of 1972. The code protects individuals because of their race or color, religion or creed, sex, age, marital status, physical or mental handicap, or national origin. The code also provides protection for the exercise of "political ideas," a protected classification of the Equal Dignities Clause in its prohibition against both governmental and private discrimination.

The code's provisions describe nine areas of governmental operations, and they are all-inclusive. The areas are employment, employment referrals and placements, education (including counseling and training), licensing and regulatory functions, government service, government funding, public contracts, public accommodations and retaliation.

The prohibition against governmental discrimination in employment is unique because it not only forbids direct discrimination, but adds a special focus to state employment practices. The employment section requires that all government personnel must be recruited, appointed, assigned, trained, evaluated or promoted "on the basis of merit and qualifications without regard to" an individual's membership in one of the protected classifications. That command to focus upon merit and qualifications goes beyond the simple prohibition against discrimination and states the simple philosophy that if employment practices are based upon ability, there will be no discrimination. The code also goes beyond direct employment practices and prohibits discrimination in employment referrals and placements, in government-conducted education, counseling, vocational guidance, apprenticeships, on-the-job training and other training programs. Again, the law exceeds simple prohibitions when it comes to training and education, and it requires that those programs "encourage the full development of all students and trainees." It requires special attention to the problems of those who are "culturally deprived, educationally handicapped, or economically disadvantaged." There are many who have not had equal access to education, experience or training programs, and the code requires remedial action to provide that equal access.

Most governmental bodies are regulatory ones. They license occupations and activities, and they exercise regulatory power. Not only is there a prohibition against discrimination in those operations, but such powers must be conducted to "assure equal treatment of all persons, eliminate discrimination, and enforce compliance with the policy" of the code.

The prohibition extends to "all services of every state or local governmental agency." Civil rights laws are read and applied to provide all-inclusive coverage and protection, and the term "services" is intentionally broad so that almost every governmental function is covered.

Another traditional function of government is the distribution of funds to non-governmental persons and bodies in order to carry out legislative policy. The prohibition extends to this area as well, and covers government funds, grants, loans and financial assistance.

Along with funding comes public contracts, including all contracts or subcontracts for buildings, public works, goods and services. Such contracts must include language that hiring under them will be on the basis of merit and qualifications without discrimination, and there will be no discrimination in the performance of such contracts.

Public accommodations are also covered.

No governmental body may retaliate against an individual for opposing practices prohibited by the code, filing a discrimination complaint, or participating in proceedings after the filing of a complaint.

Throughout the areas of coverage there are provisions

to encourage the correction of past discriminatory practices and to provide mechanisms to prevent future discrimination. In the area of employment, for example, all state and local governmental agencies must "promulgate written directives" to carry out the policy of nondiscrimination and guarantee equal employment opportunities. Those agencies must also "regularly review" their personnel practices and conduct training and orientation programs to stress human relations and fair employment practices. Others must "insure that the entire examination process, including appraisal of qualifications, is free from bias," and must "insure utilization of minority group persons."

All organs of government provide services, and state and local bodies must analyze all their operations "to ascertain possible instances of noncompliance with the policy" of the code and "initiate comprehensive programs to remedy any defect found to exist."

The Montana Human Rights Commission enforces the code, and all state and local governmental bodies are required to cooperate with the commission. However, the code clearly anticipates that enforcement through complaint should be a last resort. That is why it makes governmental bodies partners in enforcement through the built-in procedures of analysis, correction and prevention.

The prohibition against discrimination by government is all-inclusive, and the code is unique because it repeatedly goes beyond simple prohibition. It assumes that conscious planning and analysis, the orientation and training of staffs, clear written directives and the use of merit and qualifications will correct past problems and prevent them in the future. The code also recognizes the reality that past practices have shut out minorities and disadvantaged people, and that those deficiencies must be corrected by emphasis upon the needs of those groups.

The Montana Governmental Code of Fair Practices is an essential tool for the planning of all government operations in Montana. Each state or local official has the duty to know its provisions.

In the next issue: Nonparticipation in any form of discrimination by others.

POLICY REVISIONS CIRCULATED FOR COMMENT

Revised versions of the state's draft of the grievance policy and the draft of the employee exchange/loan policy have been sent to department directors, the Interdepartmental Coordinating Committee for Women, the Personnel Policy Network and agency legal counsel for their review and comment. Major changes in the grievance policy include: 1. clear time lines for each step, and 2. use of a single hearings examiner rather than a three-member panel. Included in the mailing was a proposed new discipline handling rule which would create specific procedural requirements for agencies prior to discharging an employee. Persons with comments and questions should call Mark Cress at 444-3927.

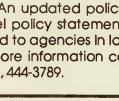
The draft employee exchange/loan policy has been distributed for a second review. Major changes in this revision include: 1. Clarification that participation is voluntary; 2. employees who are exchanged/loaned must meet minimum qualifications for the new position, and 3. the necessity for a written agreement signed by all parties. Persons with comments or questions should call Harold Gilbertson at 444-3983.

SEXUAL HARASSMENT PREVENTION POLICY FINALED

On June 10, 1988, the amended Sexual Harassment Prevention policy took effect.

The policy includes a new reporting procedure and time frames. Retaliation against those reporting sexual harassment is prohibited.

An updated policy and a model policy statement will be mailed to agencies in late June. For more information call Linda Currie, 444-3789.



sexual harassment is illegal!

AIDS IN THE WORKPLACE

What happens if a co-worker is infected, or suspected of being infected, with the AIDS virus? With a limited number of cases of AIDS in the state so far, this is a question that few Montanans have needed to answer. But based on trends in other states, the question is not "if" but "when" a co-worker is infected. Experiences elsewhere, in both the public and private sector, indicate that it is much better to be prepared ahead of time for the situation of a worker with AIDS than to wait until a case happens.

Fear of those with AIDS may be a greater epidemic than AIDS itself. This epidemic has been called AFRAIDS: Acute Fear Regarding AIDS. It results from a lack of information about AIDS. In situations where workplace problems have arisen because of a worker with AIDS, education has been the most effective remedy. Moreover, experts agree that education before an employee becomes ill is essential in reducing problems. They also advocate making a clear statement of the organization's policy on AIDS well in advance of any cases becoming reality. As a result of these two factors, the State Personnel Division has drafted a management memo regarding AIDS in the workplace and has planned an educational project to accompany it.

In order to facilitate the needed education, the State Personnel Division will offer several "train the trainer" sessions so that each agency of state government may have designated "key information providers" trained to deliver AIDS education to agency employees statewide. It is hoped that this education program will help employees understand the nature of the disease and how it is and is not transmitted, so that fear of working with an AIDS infected person will be alleviated. Additionally, this educational effort may result in fewer new cases of AIDS because of employees' heightened awareness of how risk behaviors may be reduced.

The AIDS trainer education will consist of several components. The areas to be covered are the medical aspects, human rights and policy information, service and safety implications, and the psychosocial implications. Marsha McFarland of the Montana AIDS Project, Department of Health & Environmental Sciences, will present the medical aspects and the psychosocial implications. Jerry Keck and James Zion of the Human Rights Division will address human rights issues, and Linda Currie of the State Personnel Division will speak about the state's policy/management memo. B.J. Combest of the Professional Development Center will present information on service and safety implications and how to conduct an employee briefing. The training will also include exercises in attitude exploration and a knowledge assessment.

The one day sessions are scheduled for August 10, 18, 25, 31, September 8, and 15 from 8:30 a.m. to 5:00 p.m. in the Glacier Room, located in the Lee Metcalf Building (DNRC) in Helena. Registration will continue through Monday, June 20, with choice of dates on a first-come, first-serve basis. Participants will receive a comprehensive trainer's guide and a certificate of completion. Upon completion of the training, participants will be able to conduct employee briefings in their own agencies. The State Personnel Division will continue to provide updates on AIDS and will be available for assistance with the employee briefings. In addition to this training, the Professional Development Center, beginning September 27, will offer AIDS and the Manager, a course for managers and supervisors dealing with employment issues such as non-discrimination, confidentiality, and crisis intervention.

In Montana, we are fortunate in being able to plan ahead and avoid many of the potential problems that arise when an employee has AIDS. These educational opportunities could make a significant difference in how we react to this disease and its victims. Plan on attending one of the informational sessions when it is offered in your workplace.

For more information call B.J. Combest, 444-3774, or Linda Currie, 444-3789.

UPDATED LIST OF CAMPAIGNS AND EXPEDITIONS

A Gulf of Persia Expeditionary Badge issued to Navy and Marine Corps personnel has been added to the list used to administer veterans and handicapped person's employment preference. The effective date of the badge is 7-24-87.

An updated list will be sent to Montana Operations Manual, Volume III holders and should be retained with the veteran's preference policy 3-0171. For further information, call Harold Gilbertson at 444-3983.

Kathy Battershell has joined the staff of the Labor Relations and Employee Benefits Bureau as a program assistant. Her phone number is 444-3947.

RESULTS!

The Wellness Program is publishing a "Special Edition" newsletter as a follow-up to the Pro-Health Screening. Results of the screening will be published in the newsletter along with other health tidbits. Watch for the results from the state agency competition in the Governor's Cup Race also in that newsletter.

Classification Pursuit

Question

Judy works as an administrative clerk in a fairly large office. The class specification for her position indicates that she works under close supervision, but Judy doesn't even have daily contact with her supervisor. How, she wonders, does the term "close supervision" describe her position?

NOW'S A GOOD TIME TO START SPINNING YOUR WHEELS

So you didn't become a walking convert last month. Undaunted, we plunge on hoping yet to make exercise enthusiasts of all our readers. This time it's bicycling. Like walking, it's great whole-body exercise. Bicycling can lower blood pressure, reduce cholesterol, help with weight loss, lower heart rate and help handle anxiety and depression. (Some say cyclists are more popular and make better business investments. That is unsubstantiated, as yet.)

Biking has gone high-tech. The wide choice of options available in bikes and related equipment can be intimidating. If you don't already have equipment, you'll need at least a bike and a helmet. To avoid spinning your wheels, we provide some basic information for would-be-cyclists.

The ride. Before you set a foot in the local bike shop, figure out what kind of cycling you're aiming for. We're assuming most readers are interested in ride-to-work or ride-four-times-a-week-for-fitness cycling. However, you could be thinking bigger. Maybe it's weekend trips of 50 miles or more, riding across the state or county on your summer vacation, becoming a bicycle racer, or heading off the road with a mountain bike or ATB (all terrain bike). (These are the ones with the fat tires and upright handle bars.) Then go bicycle shopping.

The bike. Best shopping is found at a reputable, local bike shop. These people whose livelihood is bikes, know the important things about picking a bike. They'll ask (or should) all the points about where, when and how much you intend to ride. That helps them help you select the best bike. Beware of falling into the "beginner's bike" syndrome. The one where you reason "I'll just get a cheap one to begin

with and then buy a better one when I'm an ace biker." If you spend any time at all on your bike, your skills develop quickly. A good bike will move you along faster and keep your interest (plus perform better). Expect to pay $200-$500 for a bike which will both challenge you and keep up with your skills. Be forewarned that some bike shops have gotten very elitist. They cater to racers and get snooty (or snotty) with the rest of us. If they're the only game in town, persevere until you've gently but persistently gotten them to help you pick a good bike. You might want to comparison shop, if that's an option, to make sure you're getting a good two-wheeler.

The seat. With even a short ride, your tush can become painful with a poor seat fit. (It takes one or two months of biking to get over being saddle sore--that's normal.) A seat should be narrow in front for crotch space and wide enough in back for your two "sit" bones to make contact with the seat. Because women have wider pelvises then men, they need wider seats in back. To measure, squat down and use a ruler to find the distance between your two pelvic (fanny) bones. Make sure the seat has an inch or two to spare on either side of your bones for maximum comfort.

The fit. The major fit is in the leg. With your heel on the pedal at its lowest point, your leg should be straight. That way, when pedaling, with the ball of your foot correctly on the pedal, your leg will be slightly bent at the knee. You get this basic fit when straddling your bike standing up, feet on the ground. There should be about an inch space between the bar and your crotch. The bike shop people can help you select and adjust the bike for your leg length, arm length, and torso height. They even make bikes in petite sizes, with shorter bars or tubes so shorter people don't have to crouch on the end of their seats to reach the handles. And while you're getting their good advice, ask about a maintenance package. They come free with most bikes and cover flat tires, ball bearing replacements, etc. for the first year.

The helmet. Get one that fits (ask for help) when you get your bike and wear it. It's the only thing between your head and the pavement. Besides, a new bike is a rotten tombstone ornament.

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ROAD SHOW COMPLETED

The Employee Benefits Section completed the statewide benefit meetings. Approximately 1,500 employees attended the 51 meetings, covering the health benefit package, PERS and deferred compensation.

GROUP BENEFITS ADVISORY COUNCIL

At the May 24 meeting, the Group Benefits Advisory Council decided to recommend coverage of services provided by licensed professional counselors, beginning September 1, 1988.

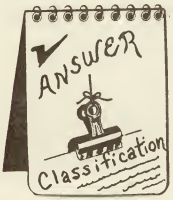
The council also heard reports on vision care and is continuing to review this issue. Vision benefits will be discussed again at the June 29 meeting.

Linda Kaiser discussed options available for reducing costs of inpatient services and prescription drugs. The council asked the benefit's staff to conduct the necessary research to implement case management in September, 1989. The council also recommended that the state plan be modified next September, to encourage employees to purchase generic drugs.

Debi Flentie reported that the account balance in Deferred Compensation has exceeded $44 million. She also gave a legislative update on two bills pending before Congress affecting deferred compensation.

The next Group Benefits Advisory Council meeting is scheduled for June 29 at 9:30 a.m. in Room 136, of the Mitchell Building.

For more information, call Joyce Brown at 444-3871.



For classification purposes, the term "close supervision" refers to control of the work, either in the form of a supervisor who gives directions, solves problems, and reviews the work products for accuracy, adequacy, and timeliness, or in the form of policy procedures, rules, and guidelines that dictate how the work is to be done and what is or is not acceptable. The fewer decisions one has to make, the closer the supervision.

Judy's job is closely controlled by established ways of doing things. She inspects forms and documents to see that all the lines are filled in and that the figures add up. If there are discrepancies, she separates them and phones the clients to get the correct information. Information from original and corrected documents is entered into a computer file using certain instruction daily. She knows what to do and how to do it, and she doesn't have the authority or responsibility to deviate from this.

For more information about classification, call Lana Loughrie, 444-3854.

PROFESSIONAL DEVELOPMENT CENTER CLASSES FOR JULY

Documenting Disciplinary Actions: This half-day class will be presented in the City Center Motel in Bozeman beginning at 8:30 a.m., July 12. John Moore of the Professional Development Center will be the seminar leader. Cost of the seminar is$40.00

Pre-Retirement Planning: This quarterly two-day seminar will be held in the Coach House East, Helena, beginning at 9 a.m. daily, July 12 and 13. Cost is $50.00 for those covered by Public Employees Retirement System. Spouses are encouraged to attend and there is no charge for them.

Fire Me and I'll Sue: This very popular seminar will be presented in the Montana Training Center, Lee Metcalf Building (DNRC) beginning at 8:30 a.m., July 13. John Moore will be the instructor. Cost is $60.00.

Contemporary Writing Skills: This is a seven-hour seminar which reviews the basics of readable writing, and is given from 8:30 a.m. to noon on July 19 and July 20. John Moore presents the seminar at a cost of $50.00. It will be presented in the Montana Training Center, Lee Metcalf Building, Helena.

New Employee Orientation: The quarterly New Employee Orientation will begin at 10 a.m. and end about 3 p.m. on July 21. It will be held in the Montana Training Center, Lee Metcalf Building. Cost is $15.00.

Investigating Discrimination Charges: This is a new class which is intended primarily for EEO and Personnel Officers who might be faced with investigating charges leveled by one of their employees. Clarice R. Cox, popular investigative report writing expert, will present this day-long seminar to be held July 26 in the Montana Training Center. Cost is $65.00.

Approaching Supervision: Offered in Billings this month, the one-day seminar will cover the changes and adjustments necessarily brought about when being promoted to a supervisory position. John Camper of the PDC Staff will conduct the seminar beginning at 8:30 a.m. in the Ponderosa Inn, Billings. Cost is $55.00.

Meetingful Minutes: Brought back by popular demand, Ray Fenton, management consultant from Helena, instructs, and takes participants through all the necessary steps in producing "meaningful minutes" for any meeting, hearing or get-together. The seminar will be in the Montana Training Center from 1 - 5 p.m., July 27; and 8:30 - noon, July 28. Cost is $65.00.

Take Your Word For It: This

half-day seminar cuts to the basics of communicating for greatest results under any circumstance. B.J. Combest of the PDC staff will be the instructor. The class begins at 10 a.m., August 3, in the Montana Training Center.

Anyone desiring further information regarding these or other seminars and workshops offered under the auspices of the Professional Development Center is urged to contact their Personnel Representative or call the PDC at 444-3985.

AIDS INFORMATION!!!!

The Professional Development Center in cooperation with the Department of Health & Environmental Sciences, and the Policy Section, State Personnel Division, is producing a "train the trainer" session concerning AIDS (Acquired Immune Deficiency Syndrome). The first of the five scheduled training sessions will get underway in mid-August. The training will be conducted in the Montana Training Center, and will be for those persons Departments have selected to conduct orientation classes throughout their Department. This training will be followed in late September by a class entitled **"AIDS and the Manager."** This day-long seminar will be for supervisory and management personnel concerning actions they should or should not take if one of their employees is found to have AIDS. (See related articles, page 4.)

MANAGEMENT NOTES

Being a manager doesn't mean you have to be in full control of everything. Actually, the type of leadership needed today, entrepreneurship, requires relaxing the reins somewhat. Most managers believe they must know all the facts, be on top of everything and have lots of rules and structures. Instead, being an entrepreneur means pushing authority to the lowest reasonable levels and focusing on just setting the direction.

"This Is A Bribe"

To help you enjoy this summer

The State Wellness Program is still offering a partial reimbursement to eligible employees for enrollment in certain programs to improve their health.

- introductory cardiovascular fitness
- smoking cessation
- weight control
- nutrition

For more information call Debi Flentie, Employee Benefits Section, 444-3887.

PDC TRAINING SCHEDULE
Third Quarter, 1988

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
July 4 Independence Day	5	6	7 Telephone Courtesy	8
11	12 Doc. Disc. Acts. - Bozeman	13 Fire Me and I'll Sue	14	15
	Pre-Retirement Seminar - Helena			
18	19	20	21 New Employee Orientation	22
	Contemporary Writing Skills			
25	26 Investigating Discrimination Charges	27	28	29
	Approaching Supervision Billings	Meetingful Minutes		

Montana Personnel Perspectives is published monthly by the State Personnel Division, Department of Administration. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Comments should be directed to "Perspectives Editor" at the address below.

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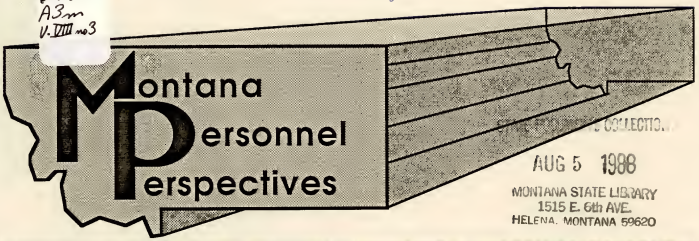

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Volume VIII, Number 3 JULY 1988

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ROUTE TO:

RETURN TO:

AVOIDING DISCRIMINATION AND ELIMINATING FUTURE DISCRIMINATORY PRACTICES

This is the third in a series of articles on the Montana Governmental Code of Fair Practices by James W. Zion, staff attorney of the Human Rights Commission.

The Governmental Code of Fair Practices is a lengthy and comprehensive piece of legislation, but its thrust is simple. Organs of Montana government, including all the political subdivisions of state government and school districts, may not participate in discrimination or allow it in their activities. The prevention of discrimination requires analysis, planning, the clear articulation of policy and implementation of that policy in all operations. In addition, all parts of Montana government are partners in the effort to enforce discrimination law, prevent bias and reach out to disadvantaged groups. We often think of enforcement and equal employment opportunity programs but sometimes forget that an important function of civil rights legislation is to remedy past patterns of discrimination and assure they will not continue. This can be accomplished by reaching out to people to make certain they have equal advantages.

Employment practices

Sections of the code which deal with government employment practices, referral and placement, and education, counseling

and training emphasize merit and qualifications and fair practices as means to avoid discrimination. In their employment practices, state and local agencies must first "promulgate written directives" to implement the policy of the code and guarantee equal employment opportunities. Government agencies should then make those directives or policies available to agency staff through "continuing orientation and training programs with emphasis on human relations and fair employment practices." The employment section goes on to require "care to insure utilization of minority group persons." The law requires the Department of Administration to "insure that the entire examination process, including appraisal of qualifications, is free from bias."

Employment referrals and placement services

The section on employment referrals and placement stresses cooperation among the Human Rights Commission, employers and unions to broaden the base of job recruitment to make employment opportunities available to all. The section goes on to require interagency cooperation between the Human Rights Commission and the Department of Labor and Industry to enforce the code and promote equal employment opportunity.

In employment referral and placement, no state or local agency may accept any job request which indicates any intention to exclude a person by reason of his or her race or color, creed or religion, political ideas, sex, age, marital status, handicap or national origin. Where agencies participate in education, counseling or training programs with others, the programs must be "open to all persons."

Educational, counseling and training programs

State and local agencies often directly conduct educational, counseling, vocational guidance, apprenticeship and on-the-job training programs or participate in them. The code commands that such programs "encourage the full development of the interests, aptitudes, skills, and capacities" of participants "with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons." In addition, the code requires the expansion of such programs to involve participants from segments of the labor force whose members most need upgraded skills. The law recognizes that training which is aimed at the development of disadvantaged group members into good workers has the effect of preventing future job bias.

Government services, licensing and regulation

One of the major functions of government is to provide services, and the code requires that all state and local agencies analyze all of their operations "to ascertain possible instances of noncomprehensive programs and to remedy any defect found to exist." With respect to governmental licensing and regulation, the code requires "appropriate action" to assure equal treatment, the elimination of discrimination and enforcement of the code's policies. As in the employment area, compliance with the law requires a process of examination and implementation.

Licensing and regulation are important state and local governmental functions. Each agency has the affirmative duty to "take such appropriate action in the exercise of its licensing or regulatory power as will assure equal treatment of all persons, eliminate discrimination and enforce compliance with the policy of (the code). Where governmental services are offered, each agency must assure its facilities are not used to further any discriminatory practice, and no agency can be a party to any "agreement, arrangement, or plan which has the effect of sanctioning discriminatory practices."

Governmental funds and contracts

When state or local agency funds such as grants, loans or other financial assistance are available for distribution, the agency cannot provide funds to a public or private recipient which engages in any discriminatory practice. To assure this and make certain public works are not used in the furtherance of discrimination, governmental contracts and subcontracts for construction, public works, goods and services must contain a provision that all hiring must be on the basis of merit

and qualifications and there can be no discrimination by persons performing the contract.

Public accommodations

No state or local agency may permit any violation of Montana's law prohibiting discrimination in public accommodations. This requirement is particularly important for agencies which may license or regulate any public accommodation.

Other safeguards

The code contains two additonal methods to assure effective governmental action to stop discrimination and to assure state and local agencies are carrying out their mandated duties under the code. First, all state and local governmental agencies must cooperate with the Human Rights Commission in enforcement and educational programs, comply with commission requests for information about agency practices which may be inconsistent with the state policy against discrimination and consider commission recommendations to effectuate and implement that policy. The second check is the requirement that all state agencies which report to the governor must describe in annual reports their past year's activities, including both internal activities and external relations, to carry out the commands of the code.

All state and local agencies have a general obligation to avoid participation in any form of private discrimination. The code makes governmental agencies partners with the Human Rights Commission in enforcement efforts. One of the most effective means of enforcement is for governmental agencies to watch for private discrimination and then withhold governmental benefits when discrimination occurs.

NEXT TIME: The final installment in this series - Application of the Code by the Human Rights Commission.

NETWORK MEETING

The Personnel Policy Network will meet on July 27, 1988 at 8:30 a.m. in Room 136 of the Mitchell Building. For questions or comments, call Harold B. Gilbertson at 444-3983.

EXCHANGE/LOAN COMMENTS

Several comments have been received by the Employee Relations Bureau concerning the proposed new policy on the exchange/loan of employees across department boundaries. As a result of these comments, changes have been made in the policy. One major revision involves separating the rules covering permanent and temporary exchanges. For additional information or comments about this policy, call Harold B. Gilbertson at 444-3983.

DEFERRED COMP PLAN RULING

The Internal Revenue Service (IRS) has recently issued a ruling clarifying when certain benefits such as vacation leave, sick leave, compensatory time, death benefits, etc., are to be taxed. There has been confusion over this issue since the Tax Reform Act of 1986 amended section 457 of the Internal Revenue Code. The state's deferred compensation plan is authorized under this section.

Section 457 says in part, "certain eligible deferred compensation plans maintained by state and local governments and tax-exempt employers are only included in a participant or beneficiary's gross income in the taxable year in which the compensation is paid or otherwise made available to that individual."

Much of the confusion has come over the definition of the term, "eligible" deferred compensation plan. In a notice issued in June of 1988, the IRS said that section 457 would not apply to, "bona fide vacation leave, sick leave, compensatory time, severance pay, disability pay. Since these are not deferred compensation plans subject to section 457.

With the new IRS ruling, it is now clear that the basic employee benefits provided to employees by the State of Montana is non-taxable until such time as benefits are actually received by, or paid to, either the participant or beneficiary.

For further information call Art McCurdy at 444-3871.

SAVINGS BONDS UPDATE

The 1988 state U.S. Savings Bonds Drive has been termed a big success. The drive's coordinator, Bill Yaeger, says eight percent of the state's work force is buying U.S. Savings Bonds under the payroll savings plan. There were 553 savers before the drive began; 646 when it concluded June 27.

The trophy for the greatest participtpn by an agency will go this year to the Department of Justice with participation of 20.7% of the agency's 116 Helena-based employees. Governor Ted Schwinden will make the presentation, along with certificates to agency drive coordinators, at a ceremony in October.

STATE GOVERNMENT COMPETITION

GOVERNOR'S CUP FESTIVAL 1 9 8 8

GOVERNOR'S CUP RESULTS

Over 250 state employees ran, walked, jogged and sweated in the annual Governor's Cup Race in Helena on June 4. Nineteen agencies participated in the State Government Competition. Participation increased significantly from last year. The winners were:

AGENCY TEAM EVENT:

1st Place: Department of Institutions (Jim Pomroy, Bobbie Dixon, Dean Hersey, Carrie Frohreich, Doug Weisenberger, Dan Hoy)

2nd Place: Department of Fish, Wildlife & Parks (David Clark-Snustad, Mary Anne Aafedt, Dick Mayer, Rich Milspon, Rich Clough)

PARTICIPATION EVENT:

Office of the Legislative Fiscal Analyst with 59% participation and Legislative Council with 41% participation.

INDIVIDUAL RUNNER EVENT:

1st Place: Dean Hersey - Department of Institutions (Based on a percentile score ie., percentage of same age, same sex runners in event which the runner finished ahead of, adjusted to eliminate walking score.)

Runners above the 90th percentile: Charlotte Fuson - SRS, Jim Pomroy - Institutions, Jeff Miller - Revenue, Steve Wilson - Administration and Bobbie Dixon - Institutions who was winner of the women's marathon.

Remember, you only have a year to get in shape for next year's competition!

GROUP BENEFITS ADVISORY COUNCIL MEETS

At its June 29 meeting the Group Benefits Advisory Council heard reports on the impact to the insurance reserve fund of continuing to keep premiums at levels set for the 1986-87 plan year. The plan's employee benefits consultant reported that despite a cost increase of 20% this plan year, premiums need not be increased for another year.

The council also discussed vision care. The council decided, due to increasing claims costs, not to recommend vision care coverage for the 1988-89 plan year.

Joyce Brown briefed the council on the Premium Payment Plan. This plan will allow state employees to pay their share of insurance premiums (those over the $115.00 state contribution) with pre-tax dollars and keep the tax savings. Information concerning this new benefit was distributed with the July 13, 1988 paychecks.

The council also approved recommending a change in the supplemental accident benefit in the case of injury to teeth. Treatment of accidental injury to teeth will qualify for supplemental accident benefits if treatment occurs within one year of the date of the accident, rather than the normal 90 days. This modification was recommended because treatment of

these injuries must typically wait until swelling and trauma subside and conditions stabilize.

Bill Crowley from Montana Benefits briefed the council on the Deferred Compensation Plan.

For more information, call Joyce Brown at 444-3871.

Classification Pursuit Question

Alice works as an Accountant II, Grade 15, in a state agency. While reading the class specification for Accounting and Fiscal Manager II, Grade 16, she notices that many of the duties it describes are similar to hers. In particular, she believes that it accurately describes her supervisory responsibility over two Accounting Technician I positions in her office. Should Alice pursue reclassification as an Accounting and Fiscal Manager II?

FACTS ABOUT BLOOD CHOLESTEROL

What is "blood cholesterol?" For that matter, what is cholesterol?

Pure cholesterol is an odorless, white, powdery substance. You cannot taste it or see it in the foods you eat.

Cholesterol is found in all foods of animal origin and is part of every animal cell. Your body uses cholesterol to make essential body substances such as cell walls and hormones, as well as for various other functions. Even if you didn't eat any cholesterol, your liver would manufacture enough for you body's needs.

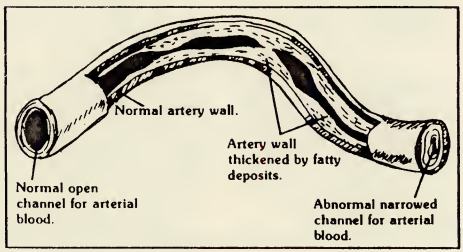
Cholesterol is like a fat in that it will not mix with water. To carry it in the blood, the body wraps it in protein "packages." The combination of cholesterol and protein is called a lipoprotein. Blood cholesterol is found in both the low density lipoproteins (LDL's) and in the high density lipoproteins (HDL's).

How is blood cholesterol measured?

To measure your blood cholesterol level, a small blood sample is taken and the amount of cholesterol is determined in a laboratory. The cholesterol level is expressed as milligrams per deciliter or "mg/dl." The average blood cholesterol level for middle-age adults in the U.S. is 215 mg/dl. This means that the cholesterol found in a deciliter of liquid (which is one-tenth of a liter or approximately one-tenth of a quart) weighs 215 milligrams. For comparison 28,350 milligrams equals 1 ounce.

Why should I care about cholesterol?

Elevated blood cholesterol is one of the three main controllable risk factors for coronary heart disease. A risk factor is a habit, trait, or condition in a person that is associated with an increased chance (or risk) of developing a disease. The other two main controllable risk factors for coronary heart disease are high blood pressure and


Normal artery wall.
Artery wall thickened by fatty deposits.
Normal open channel for arterial blood.
Abnormal narrowed channel for arterial blood.

cigarette smoking. Any one of these risk factors increases an individual's chance of developing heart disease, and all three together may greatly increase heart disease risk, perhaps by a factor of 10 or more. Excess body weight, diabetes and lack of physical exercise are other factors that studies have linked to an increased risk of developing heart disease. Being a male or having a family history of heart disease will also add to an individual's risk of heart disease.

Scientific studies have shown that people with high blood cholesterol have more chance of developing coronary heart disease than do people with lower levels of cholesterol, and that the chances of developing heart disease increase in proportion to the amount the cholesterol is elevated. For example, people with a blood cholesterol over 265 mg/dl have four times the risk of developing heart disease as do those with a level of 190 mg/dl or lower. Another recently completed study showed that people who have elevated blood cholesterol and who take steps to reduce it also reduce their risk of having a heart attack.

What is coronary heart disease and how important is it to the average American?

Almost 30 percent of the nearly 2 million deaths in this country each year are the result of coronary heart disease. Most coronary heart disease is due to blockages in the arteries that supply blood to the heart muscle. Fat and cholesterol, circulating in the blood, are deposited in the inner walls of the arteries. Over the years, scar tissue and other debris build up as more fat and cholesterol are deposited. The arteries become narrower and narrower, much as old water pipes build up scalely mineral deposits. This process is known as atherosclerosis. When one or more of the arteries is seriously narrowed, and generally when an occluding blood clot forms at a site of narrowing, the result is a heart attack.

What determines my blood cholesterol level?

Your blood cholesterol level is influenced by the foods you eat and by your particular body chemistry, which is inherited like hair or eye color. Thus, your body's response to a diet is determined by inheritance as well as by the fat and cholesterol content of that diet. On the average, Americans take in approximately 40 percent of their calories as fat, including saturated fat, monounsaturated fat, polyunsaturated fat and cholesterol. Many authorities suggest that a healthier eating pattern should consist of reducing fat intake to about 30 percent of total calories, with polyunsaturated fat replacing some of the saturated fat.

A diet high in saturated fat and cholesterol like that eaten by most Americans raises blood cholesterol. The higher the blood cholesterol level, the greater the risk of heart attack.

Watch for Part II on What are LDL and HDL?

The previous article was reprinted with permission of the U.S. Department of Health, Second Human Services.

GCEPD AWARDS PROGRAM

The Governor's Committee on Employment of People with Disabilities recently made significant changes in its awards program. Changes were made to more effectively recognize disabled persons and service providers as well as employers, and to more closely mirror the President's Committee on Employment of People with Disabilities awards program.

The new awards program features:

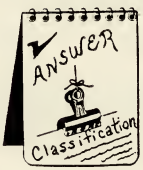
Employer Merit Awards which will be presented to employers who have made a good faith effort to provide employment opportunities to the disabled.

Achievement Awards which will be presented to disabled persons, service providers and employers who have established an outstanding record of achievement. These awards recipients will be honored in regional awards ceremonies during October which is recognized as "Disability Employment Awareness Month" by national and state executive proclamations.

Annual Awards which will consist of Small Employer of the Year, Large Employer of the

Year, Disabled Person of the Year and Distinguished Service Award. Recipients of these awards will be chosen from recipients of Achievement Awards. Governor Schwinden will present the awards at the disabled employment conference in October. Annual award winners will be nominated for national recognition through the President's Committee on Employment of People with Disabilities annual awards program.

Awards program brochures which include instructions on how to nominate, can be obtained by calling Ron Wilson at 444-3886 or by writing GCEPD Awards Program, Rm. 130 Mitchell Building, Helena, MT 59620.



Without knowing anything more about Alice's position than what is provided in the question, we can safely say that Alice's position is not a "manager."

The definition of manager is described in the Executive-Manager Evaluation System (EMES), a qualified job evaluation system which the Classification Bureau uses to classify all managerial and executive positions in state government. EMES is a "special job evaluation instrument" authorized in Classification Plan Rule 1705 as one of three exceptions to the standard position classification method of allocating positions to classes.

EMES stipulates that positions must meet certain criteria to be considered managers. The first criterion is the number of positions a manager must supervise, either directly or indirectly through subordinate supervisors. The manager must supervise a staff of at least three full-time employees, engaged in work that is either professional, technical or highly-skilled in nature. Other criteria include the manager's role in assigning and evaluating work, setting priorities and performance standards, selecting and disciplining employees, and preparing workload, cost and other estimates for budget and staffing.

Because Alice supervises only two full-time employees, her position does not meet the definition of manager, and should not be considered for allocation to the Accounting and Fiscal Manager II class.

For more information call Steve Johnson at 444-3805.

EEO & DISABLED EMPLOYMENT CONFERENCES

DATES SET FOR CONFERENCES

The State Personnel Division and the Governor's Committee on Employment of People with Disabilities have recently set dates for their 1988 annual conferences.

The eighth annual EEO Conference will be held September 28 & 29, at the Copper King Inn in Butte. The theme for the conference is "Diversity Makes A Difference." Keynote speakers and panels will examine the rapid changes taking place with minorities, women and the disabled entering the U.S. work force, and how to make the most of cultural differences. A three part video will be shown entitled "Valuing Diversity: 1) Managing Differences, 2) Diversity at Work, and 3) Communications Across Cultures." As in past conferences, updates on precedent setting decisions by the courts and the Human Rights Commission will be reviewed.

The 1988 Disabled Employment Conference will be held October 26, also at the Copper King Inn in Butte. The conference will offer workshops for employers, service providers, and the disabled; interactive panel for employers, sessions on disabled employment issues; and demonstrations on the latest in adaptive equipment. A luncheon general session will feature a keynote speaker and presentations of annual awards to the disabled, employers and service providers by Governor Schwinden.

For more information on either conference, call Linda Davis at 444-3796, or Ron Wilson at 444-3886. To obtain conference programs when available or to pre-register, call Jeanette Handelin at 444-3985, or write to State Personnel

Division, Rm. 130, Mitchell Building, Helena, MT 59620.

PROFESSIONAL DEVELOPMENT CENTER

Dealing with the Angry Public: This popular course, taught by Mary Ellen Campbell of the University of Montana, is aimed at helping those who are on the "front line" for dealing with requests and complaints from clients or "customers." It will be held August 17 in the Montana Training Center from 8:30 a.m.-4:30 p.m. Cost is $65.00.

Managing Stress: Stress is a factor of everyday life, and this half-day class will offer some very practical and effective means for coping on a daily basis. B.J. Combest of the PDC staff will be the instructor. The class will begin at 10 a.m. and end by 3 p.m., in the Montana Training Center on August 23. Cost is $40.00.

Take Your Word For It: Powerful communication skills are the focus of this half-day class which features negotiating for success and verbal self-defense tactics. This class will be held August 30 from 10:00 a.m. to 3:00 p.m. in the Glacier Room of the Montana Training Center. B.J. Combest of the PDC is the instructor, and the cost is $40.00.

Managing Risk: Take It and Believe It: This is a new class being offered for the first time during September, 1988. The day-long seminar will be aimed at managers and supervisors who want to be better equipped to evaluate the elements of risk involved in any decisions they make. It will be presented by the management consulting firm, Metamorphosis, from Missoula. The seminar will be in the Montana Training Center on September 1 from 8:30 a.m. to 4:30 p.m. Cost is $60.00.

Purchasing and Procurement: This class is aimed at developing or improving basic skills necessary to participate legally and effectively in the state government procurement process. It will be led by representatives of the state Procurement Office in the Montana Training Center on September 7 from 8:30 a.m. to noon. Cost is $50.00.

ESSENTIALS OF MANAGEMENT TO BE OFFERED

The Essentials of Management will be offered in Billings during the months of January and February, 1989, if there is sufficient interest and enrollment. A minimum of 15 participants will be needed. The dates for the seven-part series are:

Leading	1/11
Organizing	1/12
Delegating	1/17
Measuring	1/25
Controlling	1/26
Protecting	2/1
Synthesis	2/2

The actual Billings location has yet to be determined. Cost of the complete series is $365, however, if participants attend each session as scheduled, the cost is just $265.

Anyone desiring further information about these, or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3749.

MANAGEMENT NOTES

All the black holes aren't in outer space. Some black holes can swallow good ideas, which are then never seen again! The result is that employees lose initiative and enthusiasm because their suggestions never have a chance. Some of the more common black holes are:

- *Employees* who approach every job with a cynical attitude, take forever to finish it, and turn every golden idea into lead.
- *Bosses* who can't or won't make a decision, and who sit on new ideas until nobody cares anymore.
- *Management* that never encourages new ideas or rewards innovation.

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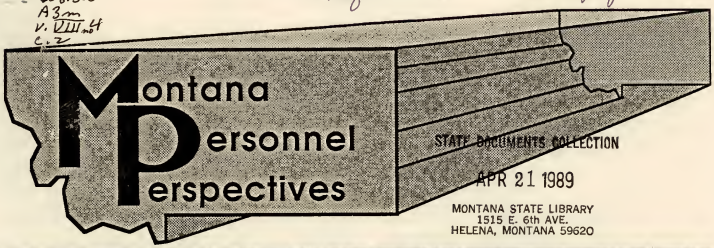

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Volume VIII, Number 4 August, 1988

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THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES IN THE DECISIONS OF THE HUMAN RIGHTS COMMISSION

(This is the fourth and last article in a series on the Montana Governmental Code of Fair Practices by James W. Zion, staff attorney of the Montana Human Rights Commission.)

The Montana Supreme Court has directly interpreted the Governmental Code of Fair Practices only seven times. Very few of the discrimination complaints filed with the Montana Human Rights Commission go to a hearing or call for a decision. While the commission has, to the end of July, 1988, received 3,665 complaints of discrimination, it has rendered formal decisions in only 153 contested cases. Of that four percent of filings which conclude by a written decision, 51 (one-third) involve state agencies, counties, cities, universities or school districts.

These are some selected precedents which interpret the Governmental Code of Fair Practices.

SEX DISCRIMINATION

Discrimination law attempts to use concrete, specific and provable facts to satisfy its standards of proof. One such fact is the qualification of an individual for an available job or benefit. In Milan v. Silver Bow County Metro Sewer (3/9/79), a prospective employee's claim of sex discrimination was rejected because she failed to prove she was, in fact, qualified for the job.

There are other approaches to problems of discrimination, and one important one is the history of hiring patterns. In one case, there was a pattern of hiring men and not women for work with a weed control district. That fact led to a finding of discrimination in Mock v. Silver Bow County Weed District (6/29/78). In a situation where an agency had a history of sex discrimination and failed to overcome the past effects of that history, there was discrimination in promotions. Hayes v. Employment Security Division (11/1/79).

Some hiring practices appear to be fair and neutral on their face, but can have discriminatory effects in use. In Barron v. Butte School District No. 1 (6/30/79), a school required resource librarians to have a "vocational endorsement" on their teaching certificates. That practice had a disparate impact on women, thus excluding them from consideration, and there was no business necessity or legitimate purpose for it.

In the usual discrimination case, after the claimant shows membership in a protected class, qualification, application and rejection, the employer has an opportunity to justify its hiring decision or "articulate" a nondiscriminatory business purpose for it. If the commission finds "pretext" or facts which show the justification is not credible or it does not overcome facts, then there is an illegal discriminatory practice. In Kanvick v. Yellowstone County Planning Development (5/23/88), the commission found "reverse discrimination" against a male job applicant because the department used a shifting rationale for its justifications, failed to use "due deliberation" during the hiring process, and those flaws capped a statistical showing of a disparate hiring history.

Many state and local government agencies have responded to the law's requirement that hiring procedures be fair and neutral. In Prinkki v. University of Montana, the commission upheld the university's structured hiring procedure and interview decision against a reverse discrimination attack, finding that the procedure was proper and was applied correctly. (6/30/86)

There are certain, very limited situations in which there are genuine gender-based restrictions to employment. In one, Langlois v. Montana State Prison, the commission found a situation involving security and inmate privacy which supported a decision not to hire a woman as a prison librarian. Another situation where the commission found a "bona fide occupational qualification" supporting a decision not to hire a woman occurred when a city refused to hire a woman as a lifeguard because she was in her third trimester of pregnancy. Pendery v. City of Polson, (6/6/80). These kinds of employment restrictions are rare and highly factually based.

Commission decisions on sex discrimination have not just involved employment situations. The commission's first decision, Becker v. Cut Bank Board of Trustees, found sex discrimination because a school district enforced a hair length policy against male pupils it did not enforce against female ones (1/25/77). In Capes v. City of Kalispell (1/18/85), the commission found a violation of the code because of a city's participation in and tacit approval of sex discrimination. The city leased its playing fields to a private association which excluded girls from its little league baseball program.

AGE DISCRIMINATION

Where an employer uses neutral hiring practices with care, it can successfully defend against claims of age discrimination. In Gunter v. Missoula School District No. 1 (7/25/88), the commission upheld a structured interview process and found it withstood charges that it was applied improperly to an applicant.

In contrast, where there are defects in the hiring process, coupled with a job applicant's obvious qualifications for an open position, the governmental employer is subject to liability and significant damages as in McClue v. Liberty County Commissioners, (7/15/86). Aside from such defects, when an employer permits repeated derogatory comments about older employees, taking no action on them, there is an inference age was a motivating factor in a firing decision, Green v. City of Billings Airport (2/19/82).

At the opposite end of employment situations are the decisions made necessary by reduction in force. The Department of Administration

adopted precise procedures to assure fairness in the process of cutting back state jobs, and the commission validated that process, finding it was fair and fairly applied. Simpson v. Department of Highways, (2/28/86).

All "discrimination" is not illegal. In Gleason v. City of Helena (4/12/78), a city residence requirement for employment was "discrimination" on the basis of residence, but not a violation of our law.

HANDICAP DISCRIMINATION

Alcoholism is a controversial problem, but government cannot discriminate against alcoholic employees if they are qualified to do their jobs and perform their job duties. Schutz v. Eastern Montana College, (7/29/81); Ferres v. Granite County Sheriff's Department, (9/29/81); Fullerton v. Flathead County Commissioners, (12/28/83).

Handicapped individuals who are "otherwise qualified" for their jobs must be accommodated. In Buckley v. University of Montana (8/7/80), a deaf and mute painter was wrongfully discharged because of his handicap when his supervisor failed to explain task requirements or otherwise communicate with him.

MARITAL STATUS DISCRIMINATION

"Marital status" includes not only one's state of being married or single, but the identity of others with whom individuals have relationships. In Harris v. Auchard Creek School District (4/28/78), a school district committed discrimination by dismissing a teacher it had just hired solely because she was single and living with a man to whom she was not married.

Not all relationships fall within the "marital status" prohibition. In Fullerton v. Flathead County Comissioners (12/28/83), a woman was fired because of her relationship with her ex-husband who was an alcoholic. While finding discrimination because of the claimant's own alcoholism, the commission refused to extend the definition to the situation there. Another situation which did fall within the definition, was that of a man who claimed he was required to resign solely because he was unmarried and living with a brother, thus allegedly creating the impression of a homosexual relationship. Roghan v. Heart Butte School District 1 (11/20/87).

RACE DISCRIMINATION

While the commission has ruled in several race discrimination cases, the most interesting one is that of Cobell v. Box Elder School, which dealt with racial epithets and the emotional distress which may result from them. A school administrator called an Indian child and his classmates "dirty Indian dogs." The commission ruled a racial epithet alone is discrimination and awarded the child $1,000 in compensatory damages and $500 in emotional distress damages.

POLITICAL ACTIVITY DISCRIMINATION

The phrase "political activity" is broad, but it does include situations where employees support political opponents of their employers. Wood v. Sanders County Sheriff, (12/7/79); Thies v. City of Cascade Police Department.

CONCLUSION

The Human Rights Commission makes all its decisions available for public inspection and they are a valuable resource not only for litigation, but also for planning. They give meaning and factual content to the Governmental Code of Fair Practices, and the public is welcome to use them.

INS INCREASES ENFORCEMENT

The Immigration and Naturalization Service (INS) has entered the penalty phase in enforcement of the Immigration Reform and Control Act (IRCA). INS will actively search out employers who hire illegal aliens or fail to comply with the verification requirements of the new law and levy stiff fines against such employers.

Employers who violate the IRCA ban on hiring, recruitment, or referral of unauthorized aliens are subject to fines for first violations ranging from $250 to $2,000 for each unauthorized alien involved in the violation. Penalties for second violations range from $2,000 to $5,000 per unauthorized alien. Subsequent violations will bring fines ranging from $3,000 to

$10,000 for each illegal worker involved. When determining the number of violations, each proceeding brought by the INS counts as one violation regardless of how many illegal aliens are involved in the violation.

An employer who fails to comply with the verification requirements of the new law can be fined from $100 to $1,000 for each individual instance in which an employee is not verified. The amount of the fine depends on the seriousness of the violation, the employer's size, its good faith, history of compliance and whether or not an illegal alien is actually involved.

Prior to June 1, 1988, when the penalty process began, the INS conducted education visits for employers, followed by citations or warnings for the first offense. Such educational visits are now replaced with the penalty process. The INS plans to spend about 25% of its investigative time in teaching employers the requirements of the new law.

For further information, call the Immigration and Naturalization service at 449-3990 or Harold B. Gilbertson, 444-3983.

POLICY NETWORK MEETS

Proposed revisions to the Grievance policy, Employee Exchange/Loan policy and the Exempt Compensatory Time policy were discussed at the July 27 Personnel Policy Network meeting. Some additional revisions will be made to these proposals before the formal rule notices are published.

A revised draft of the record keeping policy has been completed and a task force of personnel officers is being formed to review and comment on it. Major issues include what employee records must be retained, length of retention and who has access to records. For further information call Linda Currie, 444-3789.

Other topics on the agenda were an EEO update by Linda Davis; a benefits update by Joyce Brown; a discussion of reemployment preference for Workers' Compensation recipients; and discussion of payment of travel expenses for interviewees, exit interviews and turnover, and forfeiture of leave payments under certain types of termination.

For additional information, call Harold B. Gilbertson, at 444-3983.

SICK LEAVE FUND COUNCIL MEMBERS NAMED

New members of the Sick Leave Fund Advisory Council are Pat Lopach of the Department of Revenue and Dorothy Farrell of the Office of Public Instruction. They were appointed in July by Governor Schwinden.

A meeting of the SLF advisory council will be held September 8 at 8:30 a.m. in Room 136, Mitchell Building. The need for legislative action to repeal the "sunset" portion of the current law will be discussed. The Sick Leave Fund will end on July 1, 1989, unless the sunset provision is repealed. Another topic for discussion will be activity of the fund, including membership, and donor/recipients of direct grants.

The Employee Relations Bureau staff has prepared a report on SLF activity both for the quarter which ended on June 30, 1988 and for the entire two-year period of sick leave fund operations. Fund membership has grown to more than 400. As of June 30, there was a balance of nearly 4,900 hours in the fund.

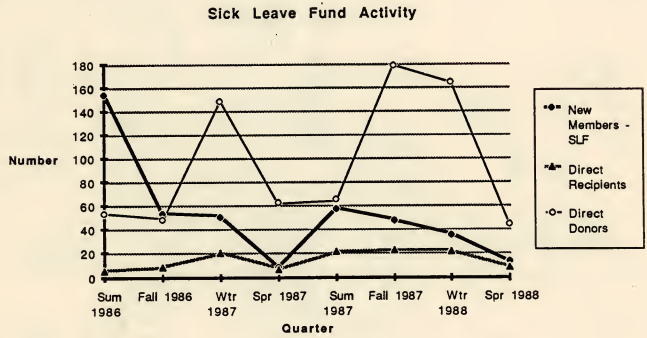
More than 10,000 hours of sick leave have been donated as direct grants by 768 employees from 36 state agencies. These hours have been used by 109 employees with serious illnesses.

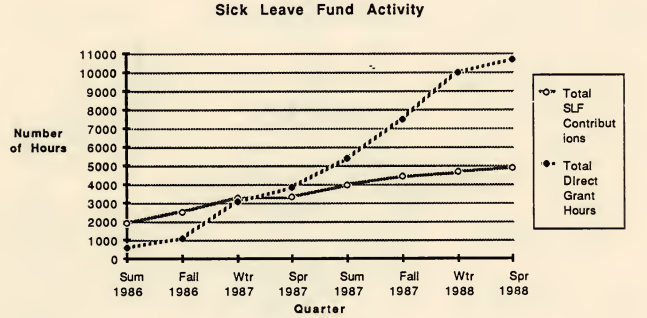
The charts on page 5, show sick leave fund activity by quarter for the history of the program. For further information about the fund, call Harold B. Gilbertson at 444-3983.

EMPLOYEE HANDBOOK AVAILABLE

A new supply of Employee Handbooks is now available from the Property and Supply Bureau. The original printing sold out and the State Personnel Division does not anticipate a third printing.

Copies of the handbook can be obtained by contacting the Property and Supply Bureau. The cost of the handbook is approximately $.63 per copy for state


Sick Leave Fund Activity
Number
180
160
140
120
100
80
60
40
20
0
Sum 1986
Fall 1986
Wtr 1987
Spr 1987
Sum 1987
Fall 1987
Wtr 1988
Spr 1988
Quarter
New Members - SLF
Direct Recipients
Direct Donors


Sick Leave Fund Activity
Number of Hours
11000
10000
9000
8000
7000
6000
5000
4000
3000
2000
1000
0
Sum 1986
Fall 1986
Wtr 1987
Spr 1987
Sum 1987
Fall 1987
Wtr 1988
Spr 1988
Quarter
Total SLF Contributions
Total Direct Grant Hours

agencies. The stock number to be used when ordering is, 9000-0870.

Classification Pursuit

Question

Betty is one of four administrative clerks in a division that processes a lot of applications. Betty works at her own desk verifying and tabulating information Monday through Thursday, but on Fridays she works the reception desk answering phones and greeting visitors. None of the other administrative clerks take turns at the reception desk. Since personal contacts is one of the five classification factors and Betty's job involves more personal contacts, shouldn't she be classsified higher than the other administrative clerks?

INCENTIVE AWARD PROGRAM

The largest Incentive Award made to date has been presented by Governor Schwinden. Pamela LaFountaine received $1,430.00 for suggesting that training programs from outdated film loops be transferred to video cassettes. This suggestion is expected to save the Office of Public Instruction $14,300.00 annually. Ms. LaFountaine works as an administrative clerk for OPI in Helena.

On August 16, Governor Schwinden presented cash incentive awards to Ms. LaFountaine and two other state employes. Wendy Olson and Al Aruish shared an award for $48.92. Their suggestion will save time in preparing pre-payroll in the Auditor's Office. Ms. Olson is a personnel specialist for the Department of Revenue and Mr. Aruish is a former employee for the Department of Commerce. Their ideas are expected to reduce the cost of government operations.

The Incentive Awards Advisory Council reviewed a total of 16 suggestions at meetings in April and July.

For further information on Incentive Awards, call Vi Pigman, 444-3809 or Joyce Brown, 444-2553.

BIENNIAL SALARY SURVEY SENT OUT

Prior to each legislative session, the State Personnel Division conducts a salary survey to determine comparability between Montana state government salaries and those in other states and the private sector. Key jobs, representing major occupational groups at every grade level, have been selected for the survey.

Over five hundred packets containing descriptions of key jobs, along with the instruments used to collect information about salaries and benefits, were distributed on July 20. Included in the survey are manufacturing, construction and mining firms, transportation businesses, utilities, wholesale and retail trade businesses, restaurants, custodial, maintenance and laundry businesses, hotels, banks and related firms, schools, city, county, and tribal governments, hospitals and nursing homes, and engineering and architectural firms. Ten neighboring state governments are also being surveyed.

The data collected from the survey will be compiled and analyzed, and a report will be prepared for the 52nd Legislature.

For further information, call Lana Loughrie, 444-3854.

In order to determine whether Betty's position should be reclassified, two issues must be addressed. First, are the duties that make her position different from the other administrative clerks more difficult? -- or are they just different? Second, does she perform the receptionist duties

often enough to make it reasonable to classify her as a receptionist? The class specification is always the primary tool used in classifying positions, so the question boils down to which one is best -- administrative clerk or receptionist.

Administrative clerk classes are graded 6, 7, and 8. Receptionist classes are graded 6 and 7. Both the administrative clerk and the receptionist classes at grade 6 require knowledge of a fairly limited range of procedures and rules, and the type of skills that are normally acquired in high school business courses. Both deal with information that is fairly straightforward, whether it's in the form of a column of numbers to be added or an inquiry about where to find the State Library. Both require some special knowledge such as the procedure to be used for logging in documents or the operation of a phone system.

The grade 7 classes require broader knowledge. The administrative clerk needs to know the uses of a number of different types of documents and how to process each one according to its own set of procedures and rules. The receptionist needs to know the purpose and functions of a large organization, as well as the role of each staff member. Both use more judgment than at the lower levels because there are more alternatives to choose from.

If the receptionist duties Betty performs are at the grade 6 level, there should be no reason to reclassify her position. Evaluation of the personal contacts factor would indicate that while she has more frequent contacts than the other administrative clerks in her work unit, they do not require a higher level of knowledge or skill. The work is different, but not more difficult. Betty would not be required to interpret information or to answer any more difficult questions about rules, policies, or procedures than she would answer as an administrative clerk.

But what if the receptionist duties <u>are</u> at a higher level? What if Betty needs to know only a few standardized procedures to process application forms as an administrative clerk, but as a receptionist she has to understand what everyone else in the organization does so that she can transfer calls correctly. Sometimes this requires interpreting vague questions or eliciting more information. Part of her position duties would be better described by the class specification for receptionist II. The question then is whether the position should be classified according to the work Betty is assigned Monday through Thursday, or according to the work Betty performs on Friday only.

The standard practice is to classify a position according to the highest level of work performed, provided that it is performed <u>at least</u> 25% of the time. Betty's position falls short of this measure of significance. 80% of her work is adequately described by the administrative clerk I class specification. Her position should remain in the class.

Betty's question is particularly relevant for managers who want to make cross-training available to staff members. Higher level duties may be assigned without affecting a position's classification, but they should be limited to less than 25% of the time.

For further information call Lana Loughrie, 444-3854.

FACTS ABOUT BLOOD CHOLESTEROL

This is the second in a series on cholesterol and it's effects and control.

What are LDL and HDL?

When blood cholesterol is measured, the doctor sometimes specifies that the percentage of LDL and HDL be determined.

LDL's are the low density lipo-proteins that contain the greatest percentage of cholesterol and may be responsible for depositing cholesterol in the artery walls. For that reason they could be known as "bad" lipoproteins.

Another type of lipoprotein "packages" that your body makes is called HDL or high density lipoprotein. HDL's contain the greatest amount of protein and the smallest amount of cholesterol. They are believed to take cholesterol away from cells and transport it back to the liver for processing or removal. Researchers have noted that persons with higher levels of HDL have less heart disease. Thus HDL's have become known as the "good"

cholesterol. Women generally have higher levels of HDL, and this may explain in part why they have fewer heart attacks than men.

What can I do to raise my level of HDL's?

Higher levels of HDL usually are found in people who exercise regularly, don't smoke and stay at normal weight. The dietary habits which lower total cholesterol may also increase the HDL component or fraction. Adopting these practices may be beneficial in terms of raising an HDL level. However, this is a new research area and more needs to be known about the effects of changing levels of HDL.

Should I have my blood cholesterol checked?

Yes, blood cholesterol should be checked periodically as part of a regular physical examination. Cholesterol determination requires that a blood specimen be obtained and sent to the laboratory. Sometimes the doctor will ask that the report be made in terms of LDL and HDL as well as total blood cholesterol.

Are there benefits from reducing blood cholesterol?

The benefits of lowering cholesterol are real. Recently released results of a clinical trial showed beyond doubt that men with elevated blood cholesterol who took steps to reduce it experienced fewer heart attacks than did men whose cholesterol remained at a high level. Men who were enrolled in the trial were without any signs of heart disease and were otherwise healthy except for a blood cholesterol level of at least 265 mg/dl. Half the men went on a cholesterol-lowering diet and also were given a drug to lower cholesterol. The other half of the men were on the same diet, but did not take the drug. After 7 years, both groups of men were found to have lowered their cholesterol, the men on the diet and drug more than those on the diet alone. Their rate of fatal and nonfatal heart attack also was reduced significantly compared to the other group of men. In looking at the trial results, the scientists found that each 1 percent reduction in blood cholesterol produced a 2 percent reduction in the number of heart attacks. Thus, men who reduced their cholesterol by 25 percent cut their risk of heart attack by half.

The scientists who conducted the study believe that the results also apply to women who have high blood cholesterol, younger people who have elevated blood cholesterol, and also to others who may have a relatively modest elevation of blood cholesterol, e.g. above 240 mg/dl. If your blood cholesterol is 240 mg/dl or higher, you should probably take steps to bring it down. Your doctor can offer advice on dietary alterations which often are generally sufficient to lower the cholesterol to an acceptable level. People with markedly elevated cholesterol may need also to take a cholesterol-lowering drug.

Oils & Fats:

It's the ***difference*** that counts

Type of Oil or Fat	Percent Polyunsaturated Fat	Percent Saturated Fat
Safflower Oil	74%	9%
Sunflower Oil	64%	10%
Corn Oil	58%	13%
Average Vegetable Oil (soybean plus cottonseed)	40%	13%
Peanut Oil	30%	19%
Chicken Fat (Schmaltz)	26%	29%
Olive Oil	9%	14%
Average Veg. Shortening	20%	32%
Lard	12%	40%
Beef Fat	4%	48%
Butter	4%	61%
Palm Oil	2%	81%
Coconut Oil	2%	86%

All fats and oils are equally **high in calories,** so see how little you can use. When you do use fats and oils, choose those *high* in polyunsaturated fats - the ones at the top of the chart.

What are saturated fat and dietary cholesterol?

The fat we eat is saturated, monounsaturated, and polyun-saturated, terms that refer to the chemical structure of the fat molecules. Foods that contain fat usually contain a mixture of the various kinds. Saturated fat usually is hard at room temperature, such as fat on beef. The major sources of saturated fat in the diet are meats and dairy products. In contrast to the solid structure of saturated fats, polyunsaturated fats are soft or liquid at room temperature. All vegetable oils are cholesterol free and most are rich in polyunsaturated fat. Listed according to the highest degree of polyunsaturation, these are safflower oil, sunflower oil, corn oil, soybean oil and cottonseed oil.

However, there are vegetable fats that are highly saturated including coconut and palm oils and the cocoa fat found in chocolate.Dietary cholesterol is not visible to the eye although it is in all foods of animal origin. A food may contain substantial cholesterol and only a moderate amount of saturated fat (an egg yolk, for example). In the typical American diet, the saturated fat content is a strong contributor to raising blood cholesterol, however, the cholesterol in food also contributes. Polyunsaturates will lower blood cholesterol, but only half as much as saturated fats will raise it. In other words, if eating a given amount of saturated fat will raise your blood cholesterol by 10 percent, eating the same amount of polyunsaturated fat will lower blood cholesterol, but by only 5 percent.

Watch for more information on cholesterol and fats in the September issue of Perspectives.

PROFESSIONAL DEVELOPMENT CENTER SEPTEMBER CLASSES

Media Relations will be offered September 8th from 8:30 a.m. to 4:30 p.m. in the Montana Training Center, Lee Metcalf Building. This seminar, intended for anyone who might deal with the press, takes the participant through some of the rights they have in any interview. It includes an actual interview, video taped and critiqued during the seminar. Participation is limited to only ten. Cost is $65.00.

Introduction to SBAS This popular and beneficial seminar is taught from 8:30 a.m. to noon, three days in a row. The next class is September 12, 13, and 14, in the Montana Training Center, Lee Metcalf Building. The seminar is intended for those who have little or no knowledge about the State Budget and Accounting System. Cost is just $55.

A "HIGHLINE" FLING...

Two classes: **Documenting Disciplinary Actions** and **Take Your Word For It** are going to be offered on the highline September 20 (in Glasgow) and September 21 (in Havre).

Documenting Disciplinary Actions is led by John Moore of the PDC staff and is intended for managers and supervisors uneasy about disciplinary actions they may take which could lead to the firing of an employee. Cost is $40.00.

Take Your Word For It is aimed at all of us. It covers communication techniques we can all use in successful negotiating and in the "gentle art of verbal self defense." Cost is $40.00.

The schedule for these classes is as follows:

GLASGOW, Sept. 20, Cottonwood Motel.
8:30 a.m. - noon - Documenting Disciplinary Actions.
1 p.m. - 4:30 p.m. - Take Your Word For It.

HAVRE, Sept. 21, Le Havre Inn.
8:30 a.m. - noon - Documenting Disciplinary Actions.
1 p.m. - 4:30 p.m. - Take Your Word For It.

AIDS and the Manager. This seminar will offer you training we hope you'll never have to use. It is intended for managers and supervisors to help prepare them to deal with the challenge of AIDS in the workplace. If you are not sure what you would do, or should do, if an employee working for you had AIDS, then attend this seminar. It will be presented

September 27, in the Montana Training Center, Lee Metcalf Building, from 8:30 a.m. to 4:30 p.m. Cost is $50.00.

Anyone desiring further information about these, or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3749.

BASICS OF MANAGEMENT

This seven part series is designed for employees who do not currently hold, and have not previously held management positions. Its basic intent is to build a pool of qualified applicants for supervisory positions. Successful completion of the series and an examination will result in special recognition.

During the six days of training, the following topics are addressed:

Day 1 - The Assignment. Basic principles of supervision, leadership styles, and the big picture of state government.

Day 2 - The Challenge. A look at the changing workforce and the workplace today. Communicating and negotiating with others.

Day 3 - The Job. Identifying what needs to be done, establishing priorities, and managing time, staff, and stress.

Day 4 - The Staff. Looking at people and their performance. Coaching and delegating as well as evaluating performance.

Day 5 - The Problems. The various aspects of discipline and disciplinary action, managing conflict and documenting various actions.

Day 6 - The Choices. All participants will have the opportunity to select two half-day topics to be presented.

Day 7 - Testing. All participants will receive a comprehensive written test to determine their level of understanding and knowledge.

The inaugural course will begin on October 19 and end with the test on November 30. Cost of the ***Basics of Management*** will be $315. Attendance will be based upon nomination by the participant's immediate supervisor. Watch for further announcements regarding this program or ask your personnel representative.

			September 1 Managing the Risks: Take it and Believe It	2
Labor Day 5	6	Purchasing and Procurement 7	Media Relations 8 *AIDS in the workplace*	9
12	13 Introduction to SBAS	14	*AIDS in the workplace* (if necessary) 15	16
19	Investigating Discrimination Charges 20 Doc. Disc. Acts. & Take Your Word... **Glasgow**	Documenting Disc Acts. & Take Your Word... **Havre** 21	POM - Controls 22	23
26	27 AIDS and the Manager	POM - Programs 28	29 *EEO Conference - Butte*	30

Diversity makes the Difference

the eighth annual eeo conference

In the United States, we have the richest mix of ethnic groups, of racial groups, of global experience that the world has ever known, and it is the richness of this mix that yields our incredible creativity and innovation .... We have not even begun to experience the real potential of our fantastic human resource mix ...

John Naisbitt, author of *Megatrends*

Managing diversity and working with people who are different is more difficult — certainly more complex — than managing and working with people who share the same perspectives, motivations, and work styles.

This day and a-half conference, sponsored by the State Personnel Division, will explore the challenges of working with, rather than against, diversity in the workplace. The conference will benefit EEO/AA specialists, personnel officers, attorneys, and general managers in both the public and private sectors.

agenda

wednesday september 28

9:00 **Opening Remarks**
Judy Jacobson, Senator, District 36

9:30 ***Managing Differences***
A video program on diversity in the workplace

10:00 **Skit Break: Up Is Down**

10:30 **Diversity Panel: Nontraditional Employment**
Keynote: Mary Trankel, Trankel Research and Investigations
BJ Combest, State Personnel Division
Marshall Carpenter, RN, St James Hospital
Julie Le Fever, Montana College of Mineral Science and Technology

1:00 **Diversity Panel: Minorities**
Keynote: Jim Kindred, Salt River Project Cultural Affairs Program
Tom Thompson, Board of Public Education
Burton McCluskey, Indian Education, Great Falls Public Schools
Henrietta Whiteman, Native American Studies, University of Montana

3:30 **Diversity Panel: Disabilities**
Keynote: Gordon Hage, Governor's Committee on Employment of People with Disabilities
Ron Wilson, State Personnel Division
Maggie Bullock, Rehabilitation Services Division
Bob Maffit, Rehabilitation Services Division

Special Conference Event — wine and cheese reception, beginning at 5:00 Wednesday. Plan to attend this "informal session."

thursday september 29

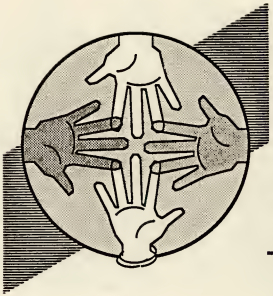
8:30 **Simple Solutions for Today's Discrimination Problems**
Anne MacIntyre and Jim Zion, Human Rights Commission

10:00 **Skit Break: Out of the Mold**

10:30 **New Directions: U S and Montana Supreme Court Decisions**
Kathleen Holden
State Personnel Division

12:00 **Adjournment**

conference location: Copper King Inn (4655 Harrison Avenue, Butte)
conference fee: $58 (includes materials, refreshment breaks, wine and cheese reception Wednesday evening)
lodging: Copper King offers state and commercial rates. Confirm reservations by Sept. 16 by calling 1-800-332-8600
for more information: Call Ron Wilson (444-3886) or Linda Davis (444-3796)
to register: Complete the registration form on back.



Diversity makes the Difference

eighth annual eeo conference
butte • september 28 and 29

REGISTRATION FORM

Name _____ **Title** _____

Agency or Company _____

Business Address _____
street or box

_____
city state zip

Business Phone _____

Billing Arrangements (make checks payable to **State of Montana**)

☐ check enclosed ☐ I plan to pay on-site ☐ please bill after conference

Detach and mail or deadhead this form; address is below.

EEO Conference
State Personnel Division
130 Mitchell Building
Helena, MT 59620

Montana Personnel Perspectives is published monthly by the State Personnel Division, Department of Administration. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Comments should be directed to "Perspectives Editor" at the address below.

State Personnel Division
Room 130, Mitchell Building
Helena, Montana 59620

Phone: (406) 444-3871

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Volume VIII, Number 5

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September 1988

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Proposed Rules Noticed

Proposed new rules regarding employee exchanges/loans and revisions to the exempt compensatory time rules have been sent to the Secretary of State for public notice. Public hearings will be conducted on these rule proposals in Room 136, Mitchell Building at 12:15 P.M. on the following dates. The hearing on the exempt compensatory time rules will be on October 4, 1988. The hearing regarding the employee exchange/loan rules will be held on October 6, 1988. The deadline for receiving comments concerning either of these proposed rules will end at 5:00 P.M. on October 6, 1988.

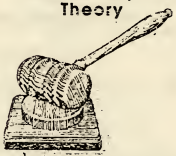
Proposed revisions to the exempt compensatory time rules would prohibit cash compensation for such accruals at the time of termination or transfer. Extensions of termination dates via the use of exempt compensatory time is limited to special circumstances.

The proposed rules regarding employee exchange/loan are designed to allow the exchange or loan of executive branch employees across agency boundaries. Purposes of this proposal are to make more effective use of knowledge and skills, provide up-graded services to the citizens of Montana and to facilitate personal development and cross-training of individuals. The proposal allows for either temporary or permanent employee exchanges and the loan of one individual to another agency for a defined period of time not to exceed nine months.

Procedures for establishing written agreements specifying the conditions of the exchange/loan are included in the proposed rules. Provisions for obtaining the voluntary agreement of the employees involved in either an exchange or loan are also provided. Other provisions in the proposed rules include such things as transfer of leave time, retention of longevity and leave accelerator hours, pay plan procedures and reinstatement rights.

For additional information regarding these proposed rules, call Harold B. Gilbertson at 444-3983.

U.S. Supreme Court Ruling Strengthens Adverse Impact Theory



In "Watson v. Fort Worth Bank and Trust" the Supreme Court has ruled that employees alleging discrimination in hiring and promotions need not prove that the discrimination was intentional when the employers' decisions were based on subjective criteria.

The Supreme Court's 1971 landmark decision in "Griggs v. Duke Power Co." made it clear that if objective selection criteria, such as a scored test, had a substantial adverse impact on a protected group, the employer would also be required to prove the objective criteria was job related or be open to a charge of discrimination. The "Griggs" decision firmly established the precedent that a plaintiff did not have to show an intent on the part of the employer to discriminate, only that the criteria used in an employment practice resulted in discrimination. The "Watson" decision affirms that this theory, referred to as "adverse or disparate impact," is applicable to subjective as well as objective criteria.

As a result of their decision, the court reinstated a Title VII discrimination claim by a black bank employee who had been rejected in favor of white applicants for four promotions to supervisory positions. The employee alleged that her employer's selection process, which did not rely on any precise or formal selection criteria, but granted supervisors complete discretion to make promotion decisions, had an adverse effect on blacks and was discriminatory.

In reaching its decision, the court reasoned that prohibiting the disparate impact analysis in employment practices cases ultimately would destroy the usefulness of the theory altogether. An employer simply would have to add a subjective element, such as an interview, to an otherwise objective selection process to avoid the discriminatory-effects test of the disparate impact theory and force each claimant to prove intent.

While the justices agreed that the disparate impact analysis applied to subjective employment criteria, they did not agree on what evidence is needed to establish a disparate impact claim based on subjective criteria. However, their decision leaves no doubt that plaintiffs need not prove an intent to discriminate in either subjective or objective employment decisions where statistical evidence shows a "disparate impact." Employers must be able to justify the use of a selection process that limits the opportunities of minorities and women.

The Supreme Court has granted review to a Ninth Circuit case (Wards Cove Packing Co. v. Atonio (1988, US 1988 US LEXIS 3097) presenting evidentiary issues similar to those left unresolved in the Watson case. This may provide the court with an opportunity to establish the boundaries of the disparate impact theory and the role of statistics and the allocation of proof under that theory.

In practical terms, what importance does the "Watson" decision have for Montana state government? Since state government agencies have very few validated objective employment decision processes, the principles of this case apply to most employment decisions made by the state's managers and supervisors. Labor law experts suggest, as a result of the "Watson" decision, that employers should:

1) Be aware of what adverse or disparate impact is and regularly analyze statistically the effects of subjective as well as objective criteria in their employment decisions. (Participating state agencies

are already provided with a computer generated report through the P/P/P Applicant Flow System which analyzes adverse impact for hiring decisions.)

2) Be prepared to support subjective conclusions with specific facts rather than generalized impressions. Identify factual bases for each subjective conclusion. For example, if the job requires "leadership," what examples support your conclusion that one employee is a leader and another employee is not?

3) Explain to managers and supervisors that they should be prepared to articulate the basis for each subjective decision they make. Some examples of subjective bases for decisions are motivation, experience, leadership, ambition and self-discipline.

If you would like more information on this case, please call Linda Davis, 444-3796 or Ron Wilson, 444-3886.

Classification Pursuit

Question

Arthur has just been hired to manage an established state government program. He has sixteen subordinate positions in his work unit. Arthur wonders what influence, if any, he might have on how those subordinate positions are classified.

October is Disability Employment Awareness Month

Through Congressional action, National Employ the Handicapped Week is now called National Disability Employment Awareness Month. Harold Russell, Chairman of the President's Committee on Employment of People with Disabilities, notes that "a shocking two-thirds of working age Americans with disabilities are out of the job market, although many of them desparately want to work. As a nation, we cannot afford to ignore this enormous waste of human potential."

On September 13, 1988, Governor Ted Schwinden signed a proclamation making October Montana Disability Employment Awareness Month. In recognition of this special awareness month the Governor's Committee on Employment of People with Disabilities will be recognizing deserving employers, service providers, and people with disabilities with Governor's Committee awards and is sponsoring a Disability Employment Conference.

The 1988 Disability Employment Conference will be held on October 26 in Butte. The Conference features the presentation of annual awards by Governor Schwinden; a keynote speech by Mike White, 1986 National Disabled American Veteran of the Year; and demonstrations of the latest in computer aided adaptive equipment for the disabled. An agenda and registration form for the Conference is included on the last page of this issue of Perspectives.

While state government has made some gains in employing the disabled over the last few years, people with disabilities still represent only 3.2% of all executive branch employees as compared to their estimated 5% representation in the civilian labor force. State government administrators, managers and other hiring officials are urged to take time during October to increase their awareness of the employment potential of people with disabilities.

For further information, call Ron Wilson, 444-3886.

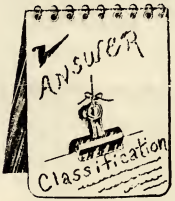
News Items Reminder

Let's remember to recognize those employees of state government who show significant achievements in the execution of their responsibilities. The Independent Record (IR) is interested in news items concerning state government activities and how they affect the general public. Areas of particular interest include: news of individual accomplishment, policy changes, changes in structure and how such changes affect departments, groups of state employees or the public.

Departmental items such as new programs, additions to or changes in current programs, public hearings,

reports issued, agency reorganization and top level management appointments are all of interest to the I.R. and to its readers. These items may be sent to Bill Wilke at the I.R., Box 4249, Helena, 59604 or by calling Mr. Wilke at 442-7190 ext. 267.

Promotions, retirements, awards, recognition and publication of articles are all examples of noteworthy items concerning individual employees. Information may be sent directly to Mr. Wilke or to Gale Kuglin, at Room 130, Mitchell Building, State Personnel Division, Helena, 59620 or telephone 444-3984.



Arthur may be able to have quite a lot of influence on the classification of his subordinate positions. What we need to know first is, how much authority does he have to determine the organizational structure and assign the work? If his position duties include this responsibility, he can influence the classification of his subordinates by changing supervisory relationships, adding or removing duties from individual positions, and increasing or decreasing their responsibilities.

Let's say, for example, that Arthur's program involves conducting statewide investigation and enforcement of cleanliness standards in public restaurants. At the time of his hire, his subordinates are classified in three classes -- two unit supervisors, twelve investigators, and two secretaries. He may reorganize the work so that there are three unit supervisors and eleven investigators. He may reassign position duties so that some of the investigators get the more complex assignments, while others do the most routine. He may decide to add some higher level duties to one of the secretary positions and place the other one under closer supervision. These types of changes may result in reclassification of the positions.

Sometimes managers and supervisors influence the classification of their subordinate positions by default. Suppose Arthur doesn't reorganize, but gradually delegates more and more responsibility to one of his unit supervisors, and assigns more and more difficult duties to one of the secretaries. He hasn't planned for reclassification of these two positions, but now the incumbents have brought to his atttention the fact that their jobs are significantly different from the others in their class. He knows they're right. He must either request that they be reclassified, or remove the added responsibilities and duties.

It's important for managers and supervisors to recognize their responsibility not just to write position descriptions, but to manage the positions once the duties and responsibilities have been described and evaluated by classifers. The classification system relies on current, accurate, adequate information about positions. Arthur has the opportunity to plan, organize, and assign the work to meet his program goals and objectives, and to influence the way his positions are classified by how he does this. He can further influence the way his positions are classified by how he manages the work assignments as time goes by.

For further information call Lana Loughrie, 444-3854.

Classification Backlog

The Classification Bureau has been inundated this summer with requests for classification actions and with appeals. The number of requests from agencies to review and evaluate positions is twice what it ususally is this time of year, and the number of appeals filed by employees is double its normal monthly rate. This, along with staff turnover, has resulted in a backlog of work.

Requests from agencies to review individual positions will be processed according to the following priorities:

1. New or vacant positions that agencies are waiting to fill.

2. Reclassification request where there is an incumbent in the positon and a Position Detail Form attached to the positon description.

3. Review requests that do not include a Positon Detail Form.

Appeal investigations also have priority, as they have a mandated turn-around time.

Your cooperation and patience during this period is greatly appreciated!

Facts About Blood Cholesterol

This is the third and final issue in a series on cholesterol and its effects and control.

Can I lower my blood cholesterol by diet?

Many studies have shown that blood cholesterol can be reduced by 10 to 15 percent, or even more by dietary changes. For anyone who is over weight, reduction of weight will often lower blood cholesterol, so a reduction of dietary fat is advisable for two reasons. All fats, whether they are saturated or polyunsaturated, are a rich source of calories. Reducing dietary fats, the most concentrated source of calories, is essential in weight reduction, and reduction of saturated fats in the diet will further reduce blood cholesterol.

Does the average American eat too much fat and cholesterol?

Fat is a major source of calories in the American diet, contributing about 40 percent of the total caloric intake. For comparison, in Japan the typical diet contains only 10 to 15 percent fat, with 3 to 6 percent saturated fat. Heart disease is rare in Japan and life expectancy exceeds that of Americans at all ages.

The average American eats some 300 to 500 mg of cholesterol each day. That is down from about 700 mg a few years ago. Some experts think that if we alter our habits to reduce dietary fat intake to about 30 percent of calories, with saturated fat making up only about one-third of total fat intake, polyunsaturated fats making up another third, and dietary intake of cholesterol reduced to no more than 300 mg per day, Americans will reduce their overall risk of heart disease.

What do scientists know for sure?

As mentioned before, scientists know that people with high blood cholesterol levels have more risk of coronary heart disease than do people with lower blood cholesterol levels. Based upon your blood cholesterol level and other risk factors, the odds of you developing coronary heart disease can be estimated. You can do some things to lower your blood cholesterol.

Cholesterol is found only in animal foods

Check out your favorite foods below:	Cholesterol	
Fruits, grains, vegetables	0 milligrams	LOW
Scallops (cooked, about 3 1/2 oz.)	53 milligrams	
Oysters (cooked, about 3 1/2 oz.)	45 milligrams	
Clams (cooked, about 3 1/2 oz.)	65 milligrams	
Fish, lean (cooked, about 3 1/2 oz.)	65 milligrams	
Chicken/Turkey, light meat (without skin) (cooked, about 3 1/2 oz.)	80 milligrams	
Lobster (cooked, about 3 1/2 oz.)	85 milligrams	
Beef, lean (cooked, about 3 1/2 oz.)	90 milligrams	
Chicken/Turkey, dark meat (without skin) (cooked, about 3 1/2 oz.)	95 milligrams	
Crab (cooked, about 3 1/2 oz.)	100 milligrams	
Shrimp (cooked, about 3 1/2 oz.)	150 milligrams	
Egg Yolk, one	270 milligrams	
Beef Liver (cooked, about 3 1/2 oz.)	440 milligrams	
Beef Kidney (cooked, about 3 1/2 oz.)	700 milligrams	HIGH

How do I lower my blood cholesterol?

First, for those who are overweight, take steps to lose weight. Body weight can be reduced by increasing the number of calories used (exercise) and reducing the number of calories taken in. Cutting down on fats in the diet is an efficient way to reduce calories in the diet. One gram of fat provides about 9 calories, compared to about 4 calories for a gram of protein or carbohydrate. The diet must be one that reduces calories but provides enough of the essential nutrients. Someone who is not accustomed to vigorous exercise should begin with a program designed to allow a gradual transition from inactivity to exercise. Plans for dietary change must take into account certain personal factors such as your lifestyle and family history.

For most individuals, blood cholesterol can be lowered by eating less saturated fat and cholesterol, and by substituting polyunsaturated fat for part of the saturated fat. Key points to remember are that:

-Cholesterol is found only in animal products (organ meats, eggs, meat, butter, cheese).

-Saturated fat is found mostly in animal products and some vegetable oils (cocoa fat, chocolates and shortenings).

-Vegetables, fruits, cereal grains and starches contain no cholesterol and little or no saturated fat.

-Vegetable fats usually are polyunsaturated.

Practical steps to cut down on cholesterol and saturated fat include:

-Choose more vegetables, fruits, cereal grains, and starches.

-Choose fish, poultry, and lean cuts of meat, and serve moderate portions.

-Trim fat from meats and skin from chicken before cooking.

-Eat less or avoid organ meats such as liver, brain, and kidney.

-Eat less commercial baked goods made with lard, coconut oil, palm oil, or shortening.

-Eat less sausage, bacon, and processed luncheon meats.

-Use skim or low fat milk.

-Choose low fat cheeses.

-Eat less cream, ice cream, and butter.

-Use low fat yogurt.

-Eat less food fried in animal fats or shortening.

-Eat fewer eggs, or eat fewer egg yolks.

EEO Conference Scheduled

Judy Jacobson, Democratic Senator from District 36, will open the eighth annual Equal Employment Opportunity (EEO) Conference to be held in Butte, September 28 and 29.

The theme of this year's EEO Conference, intended for EEO and Affirmative Action specialists, personnel officers, attorneys, and general managers in both public and private sector, is "Diversity Makes the Difference." According to Laurie Ekanger, Administrator of the State Personnel Division, which sponsors the conference, "We are, as a nation, realizing more and more, that diversity of backgrounds, ethnic groups, and differing perspectives can be a very positive influence in the workplace. This conference will address that issue." Specifically, topics of this year's conference will be Nontraditional Employment; Minorities in the Workplace; Disabilities in the Workplace; and an update on some of the recent Montana Supreme Court decisions as well as a discussion of simple solutions to today's discrimination problems by staff of the Human Rights Commission.

The EEO Conference will begin at 9 a.m., September 28, at the Copper King Inn in Butte, with three discussion panels covering the topics mentioned above. There will be a reception in the evening at which those attending the conference will have an opportunity to meet the various panelists.

The second day of the conference will begin at 8:30 a.m. with the Human Rights Commission discussion of solutions for discrimination problems.

The second conference day will end at noon.

Among those expected to participate as panel members during the conference are: Mary Trankel, Trankel Research and Investigations; Jim Kindred, Salt River Project Cultural Affairs Program; Gordon Hage, Governor's Committee on Employment of People with Disabilities; Marshall Carpenter, RN, St. James Hospital; Julie LeFever, Montana College of Mineral Science and Technology; Tom Thompson, Board of Education; Loule Clayborn, Coordinator of Indian Affairs for the State of Montana; Dennis Limberhand, Manager of Employee and Community Relations, Montana Power Company; Maggie Bullock and Bob Maffit, Rehabilitation Services Division; B.J. Combest and Ron Wilson of Montana State Personnel.

Those desiring to attend the conference ($58.00) may contact Jeanette Handelin, 444-3985. For further information on the conference, please call Linda Davis at 444-3796.

Sick Leave Fund Advisory Council Meeting

A proposal was presented to the Sick Leave Fund Advisory Council during a meeting held on September 8, 1988, to increase the 160 hour maximum limit on sick leave fund grants. The council asked the Employee Relations Bureau of the Department of Administration to gather information concerning use of either sick leave fund or direct grant hours. The council plans to meet again as soon as possible to consider the proposal of increasing the 160 hour limit.

Another item on the agenda was a discussion of legislation which will be presented to the legislature to repeal the "Sunset" clause included in the current law. In the event that this clause is not repealed, the Sick Leave Fund program will end on July 1, 1989. The advisory council voted to support legislation which will continue the program.

A report of Sick Leave Fund activity throughout the history of the program was presented. It was noted that membership in the Fund has reached 425. The Fund has a balance of nearly 4,900 hours Direct grants have been received by 124 persons from 26 agencies. Over 11,000 hours of sick leave have been donated by their co-workers.

For further information regarding this meeting, call Harold B. Gilbertson at 444-3983.

Benefit Plan Amendments to be Distributed in September

Several benefit enhancements to the State's Health Plan began September 1, 1988. They included:

-Implementation of a Premium Payment Program.

-The addition of licensed professional counselors to the list of providers whose fees will be covered for treatment under the mental/nervous and alcohol and drug addiction benefit.

-Implementation of a Generic Drug Incentive Program.

Employees will receive a copy of the Benefit Plan Amendment in September outlining these and other minor changes.

The Department of Administration is pleased to announce that these enhancements will be implemented without a premium increase for the 1988-1989 Plan Year.

For additional information, call Joyce Brown at 444-3871.

Jim Edgcomb has taken a position in the Classification Bureau, as a Personnel Specialist II. His phone number is 444-3808.

Eric Trimble has transferred to a Labor Relations Specialist II position in the Labor Relations and Benefits Bureau. He was Operations Manager in the Classification Bureau. He has spent a number of years in Classification. His phone number is 444-3887.

Employee Record Keeping

A task force has been formed to look at possible

revisions to the Employee Record Keeping policy. Changes under review include updating the policy to include automated records and to better define access. Task force members are Judy Curtiss, Department of Commerce; Carol Kimble, Department of Agriculture; Pat Lopach, Department of Revenue; and Julie Nichols, Department of Highways. For more information or to comment, call Linda Currie, 444-3789.

OCTOBER CLASSES

Telephone Courtesy will be held from 10 a.m. to 3 p.m., Monday, October 3, in the Yellowstone Room, Lee Metcalf Building. This seminar is aimed at anyone who routinely answers the telephone, or uses it as a principal part of their job. Cost is $40.00.

Fire Me and I'll Sue! This day long seminar is intended for all supervisors and managers who want to avoid charges of wrongful discharge. John Moore is the instructor, and the cost is $55. It will be held from 8:30 a.m. - 4:30 p.m., October 5, in the Glacier Room of the Lee Metcalf Building.

Interviewing Skills is to be held October 6 in the Lee Metcalf Building beginning at 8:30 a.m. Pam Wintrode will be the instructor. This seminar will offer participants an opportunity to watch themselves during a model interview and to receive constructive criticism concerning it. Cost is $55.

Documenting Disciplinary Actions is led by John Moore of the PDC staff. It is intended for managers and supervisors uneasy about disciplinary actions they may take which could lead to firing of an employee. It will be held from 8:30 a.m. to noon, October 12 in the Lee Metcalf Building. The cost is $40.00.

Preventing Sexual Harassment. Linda Davis, state EEC Coordinator, will instruct this two hour seminar beginning at 10 a.m. October 13 in the Lee Metcalf Building. The seminar is applicable for both supervisors and employees and costs only $15.

Media Relations will be offered October 20 from 8:30 to 4:30 in the Montana Training Center, Lee Metcalf Building. This seminar, intended for anyone who might deal with the press, takes the participant through some of the rights they have in any interview. It includes an actual interview, video taped and critiqued during the seminar. Participation is limited to only ten. Cost is $65.00.

New Employee Orientation. The quarterly orientation will be conducted with a different format this quarter requiring employees to be absent from work for a shorter period of time. The orientation will begin at 9:30 a.m. on October 27, and be completed by noon. It will cover the same material as in the past. Cost is $15.00 per participant. It will be held in the Lee Metcalf Building, Glacier Room.

Anyone desiring further information about these or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3749.

BASICS OF MANAGEMENT

This seven part series is designed for employees who do not currently hold, and have not previously held, management positions. Its basic intent is to build a pool of qualified applicants for supervisory positions. Successful completion of the series, and an examination, will result in special recognition. This recognition could be "constructive credit" for up to one year of management experience. (This recognition is an individual department policy determination.)

During the six days of training, the following topics are addressed:

Day 1 - The Assignment. Basic principles of supervision leadership styles, and the big picture of state government.
Day 2 - The Challenge. A look at the changing workforce and the workplace today. Communicating and negotiating with others.
Day 3 - The Job. Identifying what needs to be done, establishing priorities, and managing time, staff, and stress.
Day 4 - The Staff. Looking at people and their performance. Coaching and delegating as well as evaluating performance.

Day 5 - The Problems. The various aspects of discipline and disciplinary action, managing conflict and documenting various actions.

Day 6 - The Choices. All participants will have the opportunity to select two half-day topics to be presented.

Day 7 - Testing. All participants will receive a comprehensive written test to determine their level of understanding and knowledge.

The series will begin on October 19 and end with the test on November 30. The class is filling rapidly. Cost of the ***Basics of Management*** is $315. Attendance will be based upon nomination by the participant's immediate super-visor. For further information concerning this course, contact your personnel representative or call the Professional Development Center at 444-3985.

NEW COURSE CATALOG IS AVAILABLE The latest issue of the Professional Development Center course catalog is now available. Initial distribution has been made, but additional copies are still available for those who desire them. They are three-hole punched to fit into a three-ring binder and fully describe all courses currently offered through the auspices of the PDC. They will be updated as new courses are added. Contact the PDC at 444-3985 for a copy.

Professional Development Center October Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
				1
3 Telephone Courtesy	4 Fire Me and I'll Sue!	5	6 Interviewing Skills	7
10	11	12 Documenting Disciplinary Action	13 Preventing Sexual Harassment	14
17	18	19 Contemporary Writing Skills	20	21 Media Relations
24	25	26	27 New Employee Orientation	28
29	30	31		

EMPLOYMENT: a two-way OPPORTUNITY

1988 Disability Employment Conference sponsored by
- **Governor's Committee on Employment of People with Disabilities**
- **Human Resource Development Institute**

A shocking two-thirds of working age Americans with disabilities are out of the job market although many of them desperately want to work. We cannot afford to ignore this enormous waste of human potential.

This one day conference, which adopts the theme of 1988 Disability Employment Awareness Month, focuses on how new strategies, programs and technologies provide benefits to both employers and people with disabilities. It will provide a forum to explore ways of breaking down the barriers to disabled employment. **You are invited to submit topics you want to discuss** (see registration form).

The conference will also recognize through presentation of special awards, the outstanding achievements of employers, people with disabilities, and service providers.

a g e n d a

8:00 – 8:45 **Registration & Get-Acquainted Session** (coffee & rolls)

8:45 – 10:00 **Concurrent Information Workshops**

the bottom line A comprehensive examination of benefits available to employers who employ the disabled (productive employees, tax incentives, training assistance)
Joe Mathews, Great Falls Vocational Rehabilitation; Eric Vaughan, Butte Job Service; Tom Cherry, Montana Supported Employment Demonstration Project; a representative of the Internal Revenue Service

networking A look at disability employment networking in other states, current networking efforts in Montana, and a roundtable discussion of the future of networking in Montana
Ron Wilson, Governor's Committee on Employment of People with Disabilities; Mike Kelly, Montana Supported Employment Demonstration Project; Mary Harris, Flathead Valley Placement Network; Steve White, Great Falls Transition Project

work incentives for the disabled A review of the 1986 changes in the Social Security Act that provide incentives for disabled persons to re-enter the work force.
Hugh Lankford, Butte Social Security Office

what employers look for A look at how persons with disabilities can make the most of their opportunities by acquiring a better understanding of what employers are looking for when hiring.
Marg Gustasson, Montana Power Company; Tim Clark, Butte-Silver Bow Government; Ron Garbarino, Project Challenge: Work Again; Dan Newman, National AFL-CIO Human Resource Development Institute

10:15 – 11:45 **Improving Disability Employment Opportunities**
Three concurrent, interactive sessions — one each for persons with disabilities, employers and service providers. The discussion will seek to identify issues critical to improving disability employment opportunities. Each group will be asked to identify five issues with recommendations for resolution.
Please see registration form to submit your suggestions for discussion at this session.

12:00 – 1:30 **Luncheon General Session**
Governor Ted Schwinden will present awards to recipients of Montana Large and Small Employers of the Year, Disabled Person of the Year, and Service Provider of the Year.
Keynote: Mike White, 1986 National Disabled American Veteran of the Year

1:30 – 2:00 **Information Break**

2:00 – 3:15 **Concurrent Technology Presentations** ***(repeated at 3:30 p.m.)***

Computer-Assisted Adaptive Devices Information on adaptive devices available through IBM National Support Center, including an overview of Support Center Services, a demonstration of a screen reader for the blind, and an augmented phone system for the deaf.

RTC-Rural A description of program services for disabled persons provided by Rural Training Center, (RTC-Rural), including its adapted devices and technology, rural service delivery, telecommunication and information systems, and training services.

EMPLOYMENT: a two-way OPPORTUNITY

the 1988 disability employment conference
butte • october 26

Governor's Committee on Employment of People with Disabilities • Human Resource Development Institute

conference location:	Copper King Inn (4655 Harrison Avenue, Butte)
conference fee:	$20, including luncheon and refreshments
lodging:	Copper King offers state and commercial rates. Confirm reservations by October 14 by calling 1-800-332-8600
to register:	complete and mail the registration form below
for more information:	Call Ron Wilson at 444-3886

REGISTRATION FORM

Name _____ **Title** _____

Agency or Company _____

Business Address _____
street or box

_____
city state zip

Business Phone _____

My interest in the conference is as ...

☐ a disabled person ☐ an employer ☐ a service provider

Billing Arrangements (make checks payable to **State of Montana**)

☐ check enclosed ☐ I plan to pay on-site ☐ please bill after conference

Send this form to ...
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State Personnel Division
130 Mitchell Building
Helena, MT 59620

I am submitting these issues for discussion at the conference:

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Montana Personnel Perspectives is published monthly by the State Personnel Division, Department of Administration. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Comments should be directed to "Perspectives Editor" at the address below.

State Personnel Division
Room 130, Mitchell Building
Helena, Montana 59620

Phone: (406) 444-3871

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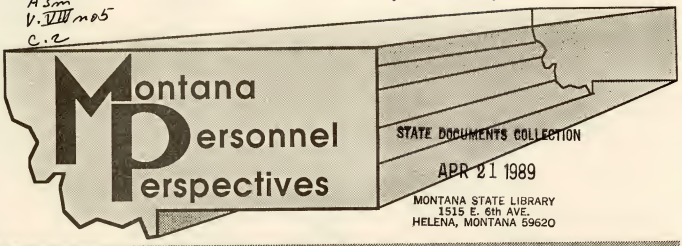

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No Laughing Matter - Ethnic, Sexual and Religious Slurs In The Workplace

By James Zion, Montana Human Rights Commission

We've all heard ethnic jokes, putdowns of men or women as a whole, or sarcastic comments about religious groups. While we may try to excuse slurs against such groups as "humor," there is nothing funny about them. As the Earl of Chesterfield once advised in a letter to his son, "An injury is sooner forgotten than an insult." People remember ethnic, gender and religious slurs, hurt from them, and they cause trouble in the workplace.

When we use slurs or jibes as labels to classify people we are actually defining membership in in-groups or out-groups. An ethnic slur, generalization about gender or a statement about what a particular religion believes or not is in fact a way of both identifying membership in an acceptable "in-group" and disparaging or rejecting others because of their membership in an "out-group" (defined by ethnicity, gender or religion). Racial epithets, charged gender words or religious jibes are "power words" - words that infer the speaker's superiority to others. They are "fighting words" which are not protected as an exercise of the right to free speech when used in public.

Such labels and expressions of "superiority" do not belong in the workplace because they divide people, classify them as "acceptable" or "unacceptable," and they hurt. They have the potential of disrupting the

workplace and destroying worker harmony and morale.

They are also illegal.

Ethnic, sexual or religous slurs, epithets, jokes, jibes, labels and "fighting words" are illegal (1) of themselves, (2) as part of a hostile work environment, and (3) as a denial of equal "terms, conditions and privileges" of employment. They can also be used as evidence of discrimination.

The Montana Human Rights Act (at Sec. 49-2-302, MCA) makes it unlawful for anyone to "aid, abet, incite, compel, or coerce" a discriminatory act. Attempts to discriminate are also illegal. The "aid, abet and incite" language of the statute clearly prohibits the improper use of "power words" and labels to set aside and treat members of ethnic groups, men or women, and adherents of religious groups differently in employment, public accommodations or other protected activities. The Montana Human Rights Commission ruled that ethnic epithets and slurs are discriminatory of themselves in a case where a school superintendent called a class of Indian children "marijuana-smoking Indian dogs." Other jurisdictions have also adopted the rule of law that epithets are discriminatory of themselves.

Employment Discimination is illegal in Montana, and where there is either a pattern of harassment directed at a single employee or a hostile environment for protected groups, there is a violation of our law. Employers, supervisors and managers who know or should know of racial or other harassment have a responsibility to take reasonable affirmative steps to stop such incidents.

Our law forbids discrimination in any "term, condition, or privilege of employment" because of race, creed, religion, color, national origin, age, physical or mental handicap, marital status or sex. Where slurs are a part of "a working environment heavily charged with ethnic or racial discrimination," there is a denial of a "psychological" fringe benefit, comparable to economic fringe benefits. We often do not appreciate the fact that being able to work in peace and dignity is a very important part of work and benefit all workers have the right to claim. Denials of the freedom to quiet enjoyment of a job through class-based bias are actionable as employment discrimination.

Slurs and biased remarks may also be used as proof of discriminatory intent and negate an employer's attempt to show the lack of discrimination in an employment decision.

Our traditional common law provides a remedy as well, and where a worker is subjected to "continuous humiliation and embarassment by reason of racial jokes. slurs and comments," that conduct is "intentional or reckless and so extreme in degree as to be beyond all reasonable bounds of decency." That is the "tort of outrage," and it can lead to substantial awards of actual or punitive damages.

Persons who are members of ethnic, religious or other groups sometimes participate in a climate of joking, jibing or jest. One side effect of prejudice is that members of groups targeted for ridicule often participate in it, and such clowning is a psychological protection against hurt or segregation. The proper approach to the problem is the one used in sexual harrassment cases - Whether or not people "participate" in illegal conduct, if the epithets or hostile environment are "unwelcome," there is discrimination.

The wise employer will adopt strong policies which prohibit the introduction of slurs, epithets or insults into the workplace. Commissioner Peg Hartman of the Department of Labor & Industry recently adopted a policy flatly prohibiting their use and hers is an excellent precedent for all employers.

On the human level, words do hurt and when we set others aside for ridicule, they remember it. We need to watch our language and remember, "Once a word has been allowed to escape, it cannot be recalled."

Staff Changes

Randy Pugh has joined the staff of the Labor Relations and Employee Benefits Bureau. He fills the Administrative Officer position. His responsibilities include the pay plan rules, incentive award program, deferred compensation plan and other compensation

activities. His phone number is 444-3849.

Ron Wilson has been promoted to supervisor of the Operations Section, Classification Bureau. For the past two years he has worked in the EEO Section as an EEO Specialist and Executive Director of the Governor's Committee on Employment of People with Disabilities. Prior to that, Ron worked two and one-half years in the Classification Bureau in both the Operations and Standards and Methods Sections.

EEO Conference Rated A Success by Participants

The Eighth Annual EEO Conference, held September 28 and 29 in Butte, was attended by over 75 participants and speakers. A number of Personnel/EEO Officers said it was one of the best conferences they have attended and overall the evaluations ranged from good to excellent.

The conference agenda included panel discussions on Nontraditional Employment, Minorities in the Workplace, Disabilities in the Workplace, and an update on Supreme Court decisions, as well as a discussion of simple solutions for today's discrimination problems by the Human Rights Division.

Anyone wanting additional information about the conference may call Linda Davis at 444-3796.

Classification Pursuit Question

In the cafeteria one day, Donna talked to an employee who had filed a classification appeal that resulted in having his position upgraded. Donna wonders if she should file an appeal, too, and see if she can get an upgrade. "How," Donna asks, "does one file a classification appeal, and are there any rules?"

Annual EEO/AA Report Submitted To Governor

The 1988 Report to the Governor on the State's Equal Employment and Affirmative Action Program was recently submitted to Governor Ted Schwinden. The report, compiled by the EEO Section, State Personnel Division, is prepared annually in accordance with Executive Order 24-81, which charges the Department of Administration with the duties of implementing and maintaining a program to "eliminate discrimination in personnel salaries and procedures, job structuring and classification, hiring, firing, promoting and training.

The report includes an eight year summary, 1981-1988, since this is the last report to be submitted under the administration of Gov. Schwinden. The following are some highlights of the report:

Eight Year Summary

The Schwinden administration made clear its commitment to fairness and equality in employment policy for state government by issuing three executive orders promoting equity in its first two years in the governor's office.

Executive Order No. 24-81 mandating a strong EEO/AA program was issued on October 13, 1981. Executive Order No. 30-81 was signed December 22, 1981, recreating the Governor's Committee on Employment of the Handicapped. Executive Order No. 7-82, signed on August 6, 1982, prohibited sexual harassment in all state agencies, and ordered the Department of Administration to develop rules and provide training on sexual harassment prevention.

Overall employment of women in the executive branch increased from 42.4% in 1980 to 46.1% in 1988. Significant gains by women in individual EEO-4 Categories were 8.6% for Professionals, 12.1% for Technicians, 6.5% in Protective Services, and 9.3% in Service/Maintenance. The administration's belief in sex equity was made evident by the appointment at female directors to three of the largest departments in state government.

Minority representation increased from 2.8% in 1980 to 3.2% in 1988. Disabled representation increased from 2.5% in 1980 to 3.2% in 1988.

Employment of Women

In 1988 women constitute 46.1% of the state work force as compared to an estimated 42.6% of Montana's civilian labor force. In FY 88 women represented 44.8% of all state

applicants and 55.7% of all state hires. Women were selected at a 9.9% rate as compared to a 6.5% rate for men. Men in state government, however, still earn an average of 23% more than women. Women fill 20.6% of positions in the Officials and Administrators category, and 40.7% of positions in the Professional Category.

Employment of Minorities

Minority representation remained unchanged from FY 87 at 3.2%. This is still significantly below the estimated 4.8% representation of minorities in Montana's civilian labor force. Minorities were 4.3% of all applicants and 4.6% of all those hired for state positions. The selection rate for minorities was 8.4% as compared to 7.9% for whites.

Employment of the Disabled

In FY 88 the disabled were 3.2% of all state employees, slightly down from 3.3% in FY 87. The disabled were 3.3% of all applicants and 3.1% of all hires for state positions. The selection rate for the disabled was 7.6% as compared to 7.9% for the non-disabled.

Recommendations

Statistics show the rate of application is the most significant barrier to increasing the overall representation of minorities and the disabled in state government, and the representation of women in non-traditional occupations. A significant emphasis for the EEO/AA Program in FY 89 will consequently be improving communications with recruitment sources for these groups. Special assistance will also be offered to units of state government which are experiencing under utilization of these protected groups.

For more information on this report, call Linda Davis at 444-3796.

Grievance Rule Hearing

On November 3,1988, a hearing on the proposed repeal of the present grievance rule and the adoption of new grievance rules will take place. The public hearing will be held in Room 136, Mitchell Building, Helena at 12:15 p.m.

Areas of significant change in the rule center around the procedures, the conditions when a hearing shall occur and the selection of a hearings examiner. For more information on the proposed adoption of new rules or on the hearing, call Linda Currie, 444-3789 or Gale Kuglin, 444-3984.

Interested parties may also submit their comments in writing to the State Personnel Division no later than November 12, 1988.

Insurance Claims Skyrocket

Trouble is looming on the horizon for the state's group benefits plan. Insurance claims under the benefit plan went through the roof last plan year (September 1, 1987 through August 31, 1988). Claims paid by the plan were more than $19.4 million - an increase of about $2.8 million over the previous plan year.

The trouble facing the plan is that expenses are exceeding income. That is, the claims paid by the plan are more than the premiums collected to pay for the plan coverage. Last plan year the premiums collected totalled about $17,269,000. However, the claims paid last plan year totalled about $19,448,000.

The '87-88 plan year claims figure included the highest monthly payout recorded at $1.914 million for August 1988. In addition to the highest monthly claims payout, the plan year included the 3rd, 4th and 5th highest monthly claims payouts all of which were in excess of $1.8 million each.

Prior to 1986 the state Plan had good claims experience and was able to build reserve funds. These reserves made up last years' shortfall and will cover the shortfall anticipated for this year as well. This has allowed the state to put off raising employee costs during the state pay freeze.

The Employee Group Benefits Advisory Council will be looking at alternatives to meet these increased costs for the next plan year. Alternatives include: raising premiums, increasing deductibles and co-payments, adding cost containment incentives, and cutting benefits.

For more information, call Joyce Brown at 444-2553.

Explanation of Prescription Drug Benefit Change

An announcement last month making a change in health benefits has caused numerous inquiries and comments.

These comments have raised the issue of whether it is appropriate to change the reimbursement of prescription drugs from 80% to 90% for generic drugs and to 70% for brand name drugs even when a generic form is unavailable or the patient is medically unable to take the generic form.

Plan members very understandably do not want a smaller reimbursement for brand named prescription drugs when there is no alternative. Clearly, the differing reimbursement rates (90% and 70%) cannot act as an incentive to use the generic form of a drug if there is no generic form.

For these reasons the possibility of an exception for prescription drugs that are not made in generic form was explored with Blue Cross/Blue Shield (the Claims Administrator for the State Plan). Such an exception was not administratively feasible because of limitations in Blue Cross/Blue Shield's automated claims processing system.

The 90/70% provision was adopted without exceptions because of a critical need to begin controlling recent dramatic increases in claims costs. Additional out-of-pocket expenses to plan members who cannot use generic substitutes were expected to be small.

We hope that the following information on the reasons for, and anticipated impact of, this provision will lead you to similarly conclude that the provision is needed.

1. **Cost savings are essential.**

We have not increased premiums since 1986 to avoid benefit cost increases to employees during the pay freeze. This was possible because we had some very favorable claims experience from 1983 to 1986 and were able to build up reserves. As you may have read, most other insurance plans have had substantial premium increases recently to keep up with the high inflation in medical costs.

Unfortunately, our plan has also been hit hard by the current upswing in medical costs. Our medical claims rose 23% in the 1986-1987 Plan year, another 20% in the 1987-1988 Plan year, and are expected to rise at least another 15% this year. In spite of these increases, our premiums have not changed. However, this will be the last year we can permit plan expenses to exceed income and continue to be actuarially sound.

A substantial premium increase will be necessary next year to cover the increase in claims costs. Any measures we can take now to control claims increases will help limit the premium increase and prevent health insurance from consuming a bigger chunk of the state's budget and our compensation dollar.

2. **The State of Montana lags behind many other states in cost containment efforts.**

Medical inflation has meant that health plans across the country have had to find creative ways to slow cost increases to keep health insurance affordable. The Montana Benefit Plan has added several provisions to promote wellness and early detection of health problems but lags behind many other state plans in providing incentives for good health care consumer practices.

3. **A difference in reimbursement for generic and brand name drugs is a common provisions to promote use of generic drugs when possible and has significant cost savings potential for the state plan.**

Prescription drug costs are one of the state plan's fastest growing costs, and there is considerable potential for savings through greater use of generic drugs. The cost of generic drugs is 20% - 50% less than their brand name counterparts, and our plan

members' use of generic drugs is abnormally low. Five percent of prescription drugs used by plan member is in generic form according to Blue Cross/Blue Shield figures versus 15% - 20% typical for other plans, and up to 35% for some.

Most importantly, generic substitution generally does not affect the quality of health care. Experts agree that in most, but not all, cases the generic form of a drug is the bio equivalent of the brand name or names under which the drug is commonly sold, and is substitutable.

4. **Cost increase to plan members who must use brand name drugs are expected to be small or to be offset through other savings.**

We have heard from a few individuals who expect fewer out-of-pocket expenses for prescription drugs because of the 90/70% reimbursement. We have heard from many others of you who expect or fear that your out-of-pocket expenses will increase. Most individuals we have talked with are surprised at how small the increase, if any, will be. For example, the increase for someone taking brand name drugs totaling as much as $650.00 per year ($500.00 after the standard $150.00 deductible), would be $4.17 per month (($500.00 x .30) - ($500.00 x .20) divided by 12).

The maximum possible increase in out-of-pocket cost is in the $15 to $16 per month range. The maximum is limited by our plan design. After deductible, the plan pays 80%, 90%, or 70% of the next $2,500.00 of charges, depending on whether the charges are for medical services, generic prescription drugs or brand name prescription drugs, and 100% of any additional charges that year. For most people with catastrophic medical bills, only a portion of the first $2,500.00 of charges after deductible will be for prescription drugs and require a 30% co-payment if brand name. Any additional prescription drug costs are covered at 100%. This structure effectively limits the maximum increase in out-of-pocket costs to $15-$16 per month and then only affects individuals receiving thousands of dollars of plan benefits who cannot make any generic drug substitutions.

For many plan members any increase for one prescription drug which is not available in generic form will be at least partially offset by a cost reduction for other generically available prescription drugs used by the Plan member or other family members. In other cases, any increase will be offset by tax savings realized under the new Premium Payment Plan.

If you believe that your expenses will be higher than those projected because of a particular set of circumstances, we would like to talk with you. Please give Joyce Brown a call at 444-3871. We will be monitoring the impact of the generic drug provision and keeping the State Employee Group Benefits Advisory Council and Department of Administration Officials informed on how it affects individual members and the plan as a whole.

We surely realize that any increase in costs, no matter how small, are unwelcome and we have tried to avoid them. Unfortunately, the kinds of claims increase we have experienced require that we take some cost containment meaures this year. We hope that you agree that it is appropriate to ask Plan members who are paying low premium rates to risk a small increase in their out-of-pocket costs this year (which may be recoverable from other savings) to help reduce plan costs and limit the premium increase needed next year.

Please give Joyce a call if you have questions, additional comments, or information on how you expect the generic drug incentive Plan to individually affect you. We also welcome any suggestions you have for dealing with rising Plan costs.

Call Joyce Brown, Benefits Program Manager, at 444-2553 about this issue.

Classification Pursuit Answer

Section 2-18-1004, MCA provides employees with the statutory right to file a complaint with the Board of Personnel Appeals if they feel they have been aggrieved by the operation of the Classification and Pay Plan. Before Donna considers filling an appeal, she should be clear on how she believes she has been aggrieved. It's not a good idea to file an appeal just to try to get a pay increase.

The appeals process protects employees from inequitable treatment in pay matters. Some legitimate reasons for Donna to file an appeal might be (1) her supervisor has assigned several new duties but has not revised her position description or had the position reevaluated; (2) Donna's work assignment is exactly like that of another person in her unit, but the other person's position is classified a grade higher; or (3) Donna is classified as a Program Specialist II but she feels the Program Officer I class specification describes her position better.

If Donna feels that she isn't equitably paid, in relationship to other positions, because of the classification of her position, the first thing she should do is talk to her supervisor about her concerns. The supervisor may be able to show her that although she is performing some additional duties, they are similar in nature and level of difficulty to her other duties, they are still adequately described by the class specification for her position, and a new position description wasn't written because hers states "performs related work as required." Or, perhaps the supervisor will agree that Donna's duties are exactly like the other positions, and will initiate the request to have it reclassified.

After Donna has discussed the matter with her supervisor, if she is still convinced that she is being treated inequitably, and that the supervisor isn't going to resolve the matter to her satisfaction, she may decide to file a formal appeal. To do this, she must get an appeal form from her personnel officer or from the Board of Personnel Appeals. This is the procedure she must then follow:

Step 1: Donna provides all the information about her position title, numbers, and location as requested on the form, and clearly lists why she believes she has been aggrieved. (The Board of Personnel Appeals recognizes 13 specific issues as acceptable grounds for a classification appeal, a list of which can be requested with the appeal form. The grade of a class is not appealable.) Donna gives the completed form to her supervisor, who reports his findings in the appropriate section. He has 10 working days in which to address Donna's issues and try to resolve them. If she accepts the supervisor's findings, she can discontinue the appeal simply by failing to move it to the next step. If Donna isn't satisfied with the results, she can advance her appeal to the next step.

Step 2: The department head or designee receives the appeal form and has five working days in which to investigate the issues and make a decision about whether they have merit. If, at this level, it should be determined that Donna's position should be reclassified, the department would take the necessary steps to have this done. Donna can still advance her appeal to the next step if she believes the department hasn't resolved her grievance.

Step 3: The State Personnel Division, Classification Bureau, receives the appeal form and has 30 working days in which to conduct an investigation and prepare a comprehensive written report that describes its findings on each of the issues. The Personnel Division may find that Donna's position is misclassified, and will direct the agency to provide paperwork to reclassify it. Sometimes the Personnel Division's investigation results in a determination that the position is classified too high, and its findings result in a downgrade. In any case, Donna can still decide not to accept the findings, and proceed to the last step in the grievance process.

Step 4: If Donna believes the State Personnel Division erred in its investigation or findings, she can move her appeal to the Board of Personnel Appeals. She must, in doing so, point out why she thinks the State Personnel Division was wrong. The board then has ten working days in which to decide whether it will accept the appeal. If the appeal is accepted, the board will schedule a hearing.

A classification appeal hearing is a quasi-judicial forum in which each side (Donna vs. State Personnel Division) presents its case before a hearings officer, who, based on the "preponderance of evidence" has 90 days in which to prepare findings and orders for the disposition of the case. Donna's classification appeal hearing would likely involve testimony from witnesses who have knowledge of her position duties and responsibilities and from witnesses who have knowledge of classification standards, methods, and

actions. Documentary evidence in the form of position descriptions, class specifications, and work products usually enter the process as exhibits. Because of the complexity of preparing for a classification appeal hearing, appellants often hire attorneys or request their union representatives to present their cases.

Donna shouldn't file a classification appeal without a better reason than to "see if she can get an upgrade." The investigation and resolution of an appeal is a time-consuming and, for that reason, somewhat costly venture. At the same time, it is a viable and effective means for employees, who believe they have legitimate concerns to have them thoroughly investigated and addressed.

More information about classification appeal procedures and rules can be provided by agency personnel officers, or the Board of Personnel Appeals (Department of Labor and Idustry), or by calling Lana Loughrie at 444-3879.

AIDS Training Completed

The State Personnel Division, Department of Administration, in cooperation with the Department of Health and Environmental Sciences and the Human Rights Commission has completed the AIDS "Train the Trainers" course for state employees.

One-hundred thirteen persons attended this course in August and September. Many of these "trainers" have in turn already begun general AIDS education in agency settings.

The purpose of the sessions was to train individuals within each agency who would then educate the employees of the agency on the subject of AIDS. The over all goal is to have information available to all state employees at the worksite.

The areas covered by the classes were AIDS, the medical/technical view, policy issues, psychosocial aspects, safety and resources. For more information on the subject or to find out who your agency resource person is contact your personnel officer or call Linda Currie, 444-3789.

NOVEMBER CLASSES

AIDS and the Manager will be held from 8:30 a.m. to 4:30 p.m. , Tuesday, November 1, in the Glacier Room, Lee Metcalf Building. This seminar is aimed at supervisors and managers who would like to be prepared for the day an employee comes to them and says, "Boss, I have AIDS." How they handle the situation is critical for both. Cost of the day-long program is $55.00.

FACE TO FACE: Confrontation or Communication? This popular day-long seminar is instructed by Mary Ellen Campbell of the University of Montana, and is aimed at anyone who deals with others in what are sometimes difficult or tense circumstances. It will be held in the Glacier Room, Lee Metcalf Building beginning at 8:30 am on Wednesday, November 2, 1988. Cost is $65.00

Pre-Retirement Planning will again be conducted in Helena at the Coach House Inn East beginning at 9 am on Wednesday, November 9. This two-day seminar is jointly sponsored by the PDC and Public Employees Retirement System and is for anyone within five years of retirement. Cost of the two days is just $50.00 and spouses are invited to attend free of charge.

Take Your Word For It is a popular communications seminar which looks at ways to develop confidence in making certain you are "on the same wavelength" as the person you are dealing with and that you are both "speaking the same language." The seminar will be held from 10 am to 3 pm, on Thursday, November 10, in the Yellowstone Room, Lee Metcalf Building. Cost is $40.00.

Righting Your Writing will be presented by Ray Fenton, management consultant from Helena, on the afternoon of November 14 and the morning of November 15 in the Glacier Room, Lee Metcalf Building. This seminar will help you develop or improve your writing skills with emphasis on contemporary style and overall readability. Cost is $65.00

Anyone desiring further information about these, or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3749.

MANAGEMENT NOTES

There is a management or leadership problem that can sneak up on us! It is the growing sense of infallibility, the feeling that says, "Why am I the only one who knows how to do anything?" That happens when the leader constantly changes the rules ...a natural thing when you are always thinking ahead in directions you don't tell employees about. The employees then become hesitant and appear incompetent.

The solution is to develop an open-minded environment where ideas are shared and guidelines proposed openly.

PDC TRAINING SCHEDULE
Fourth Quarter, 1988

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
October 3 Telephone Courtesy	EOM-Leading 4 Fire Me & I'll Sue	**EOM-Organizing** 5 *Supvr - Fam Svcs*	**POM - Budgets** 6 Interviewing Skills *Supvr - Fam Svcs*	BOM Test testing 7
10 Columbus Day	11	**POM - Information** 12 Doc. Discip Actions *EOM - Missoula*	Preventing Sexual Harassment 13 *EOM - Missoula*	**EOM-Delegating** 14
BOM - Testing 17 *EOM - Missoula*	**POM- Special Issues** 18	*EOM - Missoula* 19 **BOM - Assignment** Contemporary Writing Skills	20	**EOM-Measuring** 21 Media Relations
24	**EOM- Controlling** 25	**POM - Synthesis** 26 GCEPD Conf. Butte	New Employee Orientation 27	**BOM - Challenge** 28
31	November 1 AIDS and the Manager	EOM- Protecting 2 Face to Face: Commo or Confront?	**EOM - Synthesis** 3 *Mt Inter-Agency Trng Council - 1 hr on PDC*	**BOM - Job** 4
7	8 Election Day	9 *Priorities - SPCH* 10 Take Your Word... Pre-Retirement Seminar - Helena		Veterans Day 11
Righting Your Writing 14	Righting Your Writing 15 *Perf App - MI Co*	*Presentation Skills DHES* 16	**BOM - Staff** 17	18
21	**BOM - Problems** 22	23	Thanksgiving 24	Heritage Day 25
28	**BOM - Choices** 29	**BOM - Test** 30	December 1 Everyday Negotiating	2

TO: Recipients of the Montana Personnel Perspectives

FROM: Linda Currie, Personnel Policy Coordinator

DATE: October 20, 1988

SUBJECT: Reader Survey Card

We are updating the mailing list for the Montana Personnel Perspectives.

Please detach and return the reader survey card below. Indicate whether or not you want to continue to receive the Perspectives. Your mailing label is attached. Make any corrections on the label. You also may add the names and addresses of other managers who would like to receive the Perspectives.

If we do not hear from you by December 1, your name will be dropped from the mailing list.

If you have questions, please call me at 444-3789. Thank you for your cooperation.

Reader's Survey Card

1. I want to continue to receive Montana Personnel Perspectives:

_____ yes _____ no

2. Please make any corrections necessary to your mailing label:

3. The following person should be added to the mailing list:

Name _____
Address _____
_____
Zip Code _____

Please complete and return this form by December 1, 1988 or you will be dropped from the mailing list.

Return to:

Linda Currie
State Personnel Division
Department of Administration
Room 130, Mitchell Building
Helena,, MT 59620

Montana Personnel Perspectives is published monthly by the State Personnel Division, Department of Administration. It is intended to keep personnel officers and agency managers informed of developments in the area of personnel management. Materials may be reproduced without permission. Comments should be directed to "Perspectives Editor" at the address below.

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Phone: (406) 444-3871

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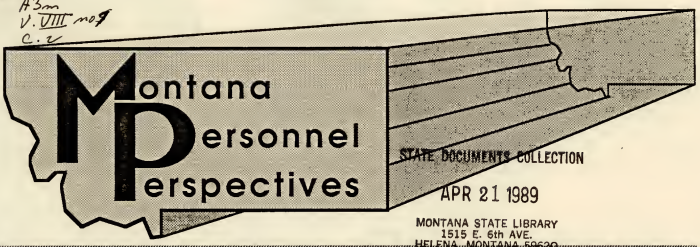

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Volume VIII, Number 7 November, 1988

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New/Revised Rules Adopted

Two new rules have been adopted: one allows the exchange and loan of employees across agency boundaries and the other revises exempt compensatory time rules. These new rules became effective November 11, 1988 and have been mailed to holders of Montana Operations Manual, Vol. III.

Revisions to the exempt compensatory time rules state that no lump sum cash out of exempt compensatory time is allowed. The agency head may approve the extention of an employee's termination date up to 120 hours in order to allow the employee to use exempt compensatory time.

A termination date may be extended when overtime has been requested by management for completion of projects or where reasonable requests to take exempt compensatory time off have been denied by management. These rules are additions to the current exempt compensatory time policy 3-0211. The rest of the policy remains the same. This policy applies to employees who are not covered by the FLSA and who are not eligible to earn overtime.

The new rules allow the exchange or loan of employees across agency boundaries. Management currently has the authority to reassign or reorganize within an agency. This rule does not change that authority, but provides for voluntary exchanges and loans across agency boundaries. Both permanent and temporary exchanges are available. An

PLEASE RETURN

employee can also be loaned to another agency for a period of time not to exceed nine months.

Employee exchanges or loans may be agreed upon to improve efficiency, to improve services provided, to enable employees' personal development or training, or to make best use of an employee's knowledge, skill and interest. Exchanges and loans must be agreed upon by all agency heads and employees involved.

These rules also explain the rights retained by employees and the responsibilities of agencies for promotions, demotions, pay, supervision and leave during an exchange or loan. A written agreement must be signed by all of the parties involved.

Policy 3-0175, Employee Exchange/Loan is not intended to replace the regular Recruitment/Selection Policy where vacancies exist for permanent employment.

To be eligible to participate in an exchange or loan, an employee must:

1. be a permanent employee in an executive branch agency,

2. have been employed in his/her position for more than one year, and

3. have a satisfactory performance history.

For further information, call Harold B. Gilbertson, 444-3883.

Employee Handbook Available

A new supply of Employee Handbooks is now available from the Property and Supply Bureau. The original printing sold out and the State Personnel Division does not anticipate a third printing.

Copies of the handbook can be obtained by contacting the Property and Supply Bureau. The cost of the handbook is approximately $.63 per copy for state agencies. The stock number to be used when ordering is, 9000-0870.

Disability Employment Conference A Success

The 2nd Annual Disability Employment Conference held in Butte October 26 was rated a success by the 156 participants. The conference was co-sponsored by the Governor's Committee on Employment of People with Disabilities and the Human Resource Development Institute.

Workshops featured at the conference included: The Bottom Line, an examination of employee benefits; Networking, a look at the Montana network scene; Work Incentives for the Disabled, a review of the 1986 Social Security Act and its incentives; What Employers Look For, an insight into what employers look for when hiring; and a session on Improving Disability Employment Opportunities. The afternoon workshops provided a view of new technology and services.

The highlight of the conference was the luncheon general session which featured a keynote speech by Mike White, 1986 National Disabled American Veteran of the Year and the awards presentations by Governor Ted Schwinden. Governor Schwinden presented the following awards:

-Service Achievement Award to Blair Ricks and the Montana Power Company, Butte.

-Disabled Person of the Year Award to Kathy Collins, a Helena teacher.

-Large Employer of the Year Award to 4-B's Restaurants, headquartered in Missoula.

-Small Employer fo the Year Award to Carol Currier and Doreen Morine of the Sky Jordan Restaurant in Kalispell.

-Service Provider of the Year Award to Rita Schilling and Job Connection, Inc. of Billings.

For more information on the Governor's Committee on Employment of People with Disabilities or the conference, contact Linda Currie, 444-3886.

The Myth About Generic Drugs

This article is reprinted from Consumer Reports, August, 1987.

Prescription drugs marketed under their generic names often are half the price of the same drug sold under a brand name - the name given it by the company that held the original patent (Table 1).

A recent Federal Trade Commission report estimated that, in 1984 alone, generic drugs saved consumers approximately $236 million. Such savings are especially important to anyone who must take drugs regularly, as elderly people often do. People over 65 constitute 12 percent of the population but consume about 30 percent of all prescription drugs. The brand-name companies dominate the $25 billion annual market in prescription drugs. They barrage legislators, doctors, pharmacists and consumers with an unrelenting message: Generic drugs are low in quality and may harm you.

Few distortions in the history of commercial propaganda have cost consumers more money than that one. Major drug companies generally spend more each year on promotion than on research. Most of that promotion money is lavished on doctors, and it has an impact.

Beginning in 1983, with increased price competition from generic companies in sight, the major pharmaceutical firms opened a compaign of disparagement that continues to this day, confusing and frightening doctors, pharmacists and patients alike.

Most generic drugs are manufactured not by fly-by-night factories operating next to garbage dumps but by the very same companies that develop brand-name drugs. Indeed, the 59 brand-name drug companies manufacture about 80 percent of all generic drugs as well. Some 300 smaller pharmaceutical companies scramble for the rest of the generic market.

But the real proof of generic quality resides in the pills themselves: do they work as well as their brand-name counterparts? Independent experts we've consulted say the answer is yes. They cite the Food and Drug Administration's (FDA's) approval standards as the reason.

When evaluating bioequivalence, the FDA looks at two things: how much of the drug is absorbed into the bloodstream and how fast. The generic must match the brand-name drug closely, but it needn't be identical. The

Table 1. A retail price comparison of brand-name and generic prescription medicines.

Brand name	Generic name	Dosage (mg.)	Retail price* Brand	Retail price* Generic	Percent savings with generic
Valium	diazepam	5	$27.47	$ 8.49	69%
Tylenol No. 3	acetaminophen codeine	300 30	14.89	6.88	54
Inderal	propranolol HCL	40	19.56	10.49	46
Lasix	furosemide	40	10.74	5.89	45
Motrin	ibuprofen	600	18.23	9.93	45
Ativan	lorazepam	1	31.99	17.99	44
Keflex	cephalexin	250	77.34	48.99	37
Darvocet-N100	propoxyphene acetaminophen	100 650	28.01	17.89	36
Amoxil	amoxicillin	250	21.46	15.29	29
Dilantin	phenytoin	100	7.49	5.79	23
EES 400	erythromycin ES	400	17.99	14.97	17

**For 100 tablets or capsules*

Source: *Consumer Reports /August, 1987*

brand-name companies insist that the variability allowed for generics is much too great.

Actually, the differences are extremely small. The FDA recently reviewed all new generics it has approved since 1984. It calculated that the average difference in bioavailability between brand-name drugs and their generic copies is only 3.5 percent - not greater than the difference between one batch of a brand-name drug and another batch off the same assembly line. So far, about 5,000 generics have been approved as bioequivalent to brand-name product. The FDA recently stated that it's not aware of a single documented case in which any of the 5,000 generics has caused a treatment problem.

Those claiming it's dangerous to switch from one generic to another 'are fooling themselves and, more importantly, fooling the public,' says Dr. Leslie Benet, president of the American Association of Pharmaceutical Scientists."

Labor Relations Pursuit

Question:

Mary has worked for the Department of Processing for 12 years. Six years ago she was promoted to her present job which is part of a collective bargaining unit. She joined the union at that time.

A few weeks ago, Mary applied for a higher graded position in the same bargaining unit. She received a letter from her boss, Joan, indicating that her co-worker Bill, had been selected for the position primarily because he had "greater seniority under the bargaining contract."

Mary knows that Bill has only worked for the state for nine years and that he started at the Department of Processing just eight years ago. "I have the greater seniority," Mary tells Joan, "and if you don't fix this today, I'm going to file a grievance."

Could Mary be correct? Has Joan made an error in determining seniority under the bargaining agreement?

Staff Changes

Steve Johnson who has worked in the Classification area for the past year has moved to the Labor Relations and Employee Benefits Bureau. Mr. Johnson is now a Labor Relations Specialist II. His phone number is, 444-3871.

Linda Currie of the Employee Relations Bureau, Policy Section has taken a new position with the EEO Section. Ms. Currie's phone number is 444-3886.

Jim Stiffler has joined the staff of the Operations Section of the Classification Bureau. His telephone number is 444-3808.

Labor Relations Pursuit

Answer:

In all probability, Joan correctly determined that Bill has the greater seniority under the contract. Most state collective bargaining agreements include provisions requiring the use of seniority along with individual qualifications for selecting applicants within a bargaining unit for a position in that unit.

Additionally, collective bargaining contracts almost always establish that seniority is counted from the date of entry into the bargaining unit and not the date of hire by the state or even by the particular agency. Even when a collective bargaining agreement does not specify when seniority begins, most labor arbitrators have ruled that seniority provisions in a contract are based on the amount of time the employee has had in the unit rather than in the agency.

In this case, Bill may well have more seniority as a member of the bargaining unit than Mary. Assuming that he has always been in the bargaining unit since coming to the Department of Processing, he would have two more years of seniority than Mary. Therefore, if both Bill and Mary were relatively equal in the other selection criteria contained in the labor contract, Joan most probably relied correctly on seniority in selecting Bill.

Even though it is likely that Joan acted properly, her decision should rest on a careful reading of the contract and a close review of the relevant employment histories of the applicants. If she hadn't done so previous to her decision, Joan certainly should consult the contract and reference the relevant portion to Mary. As in any instance of contract interpretation, if Joan finds the language unclear or, if Mary disputes her

interpretation, she should quickly seek assistance from her agency personnel officer.

Finally, it must be emphasized that this situation is only generally representative. Collective bargaining agreements do not all contain the same language. Therefore, in a specific situation the collective bargaining agreement governing the unit involved will be applicable and must be consulted for the appropriate interpretation. For additional information, call Eric Trimble at 444-3887.

Classification Pursuit

Question:

Phil, whose position is under classification review, has just finished a position audit. During the audit, the classifier described the five factors used in classifying state positions. Phil would like to know more about the factor "Scope and Effect," since he believes his job may be particularly strong in that area.

Classification Pursuit

Answer:

"Scope and Effect" is one of the most difficult factors to explain, probably because its elements cross the boundaries of two other factors -- "Nature of Work," and "Supervision Received." "Scope and Effect" considers the kinds of decisions and actions the worker must make; the level of review those decisions and actions received; how and to what extent the work will affect the organization, other agencies and the public; the impact it will have on people, equipment, material and funds; and the consequence of errors.

A good example of a position that's strong in "Scope and Effect" is an aide providing direct care to hospital patients. The aide has received thorough, on-the-job training. His work unit is never without an on-duty supervisor, and the procedural manuals available detail every aspect of his job. When evaluating the "Nature of Work" and "Supervision Received" factors for this position, the aide's work is considered standardized and highly structured. Even so, the work has a direct effect on the quality of care patients on the ward receive. He has the most frequent and direct contact with those patients. He assists them with daily living activities, and he observes, records and reports their behaviors and physical symptoms. The consequences can range from having a patient who is comfortable and progressing in overcoming his/her problem to unnecessary discomfort or injury.

Once Phil understands what's considered under the "Scope and Effect" factor, he should also be reminded of its part in position classification as a whole. No one factor is a single determinant. The classifier will compare Phil's position to class specifications (or to other positions) in each of the five factor areas, and will make a decision about relative strengths and weaknesses.

For further information, call Paula Stoll at 444-3884.

Reminder

Please make sure you fill out and mail the "Reader Survey" material from the back page of the October Perspectives. We need to complete the update of our mailing list. Thanks!

PROFESSIONAL DEVELOPMENT CENTER

There are six Helena classes scheduled for December by the Professional Development Center. All will be presented in the Montana Training Center located in the Lee Metcalf Building (DNRC).

December 1: **Everyday Negotiating Skills.** 10 am to 3 pm, $40.00.

December 5: **Interpreting SBAS Reports.** 8:30-4:30, $50.00.

December 7: **The One-Minute Manager.** 8:30 - noon, $40.00.

December 14: **AIDS and the Manager.** 8:30-4:30, $55.00.

December 15: **A Delicate Balance: Privacy and the Right to Know.** 8:30-4:30, $55.00.

December 20: **Performance Standards and Appraisal.** 8:30-4:30, $55.00.

There will be a **Managing Stress** class in Kalispell on December 6, from 8:30-4:30. Cost is $55.00.

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Volume VIII, Number 8 December, 1988

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Grievance Rules Adopted

New grievances rules have been adopted and became effective on December 9, 1988. The Department of Administration has had requests from a number of state agencies to provide a grievance procedure which is less difficult to work with than the one in effect since 1979.

The new rules provide a three-step procedure. Step I is an informal procedure which encourages the employee and supervisor to work out their differences on an informal, face-to-face basis. Step II begins the formal procedure and provides that the problem must be stated in writing and forwarded to the appropriate management representative. Step III provides final review of the grievance by the agency head.

In cases of suspension without pay of more than 10 days, disciplinary demotion or discharge, a hearing before a hearings examiner is provided as part of the final review by the agency head at step 3. The three-member hearings panel no longer will be used.

The rules state that grievances may be filed for application or interpretation of written laws, rules, personnel policies and procedures which adversely affects the employee. Agencies may develop grievance policies as long as they are not less stringent or in conflict with these rules or state statute. Employees covered by negotiated agreements or state statute are to follow the grievance procedures outlined in such agreements or statutes and may not use this procedure.

Additional information concerning these rules is available by calling Harold Gilbertson, 444-3983.

Benefits Advisory Council Meets

Dan Imming, the Group Health Benefits Plan consultant, reviewed projected claims costs and the funding shortfall with the Group Benefits Advisory Council which met November 29. The council discussed possible approaches to balancing costs and revenue. The options will be discussed in detail at the next advisory council meeting.

Joyce Brown discussed draft objectives of the State Employee Group Benefits Program. The council recommended that the objectives be adopted. (See story page 3).

The council discussed the generic drug incentive program. (See articles in the October and November Personnel Perspectives.) No changes to the program were recommended.

Randy Pugh discussed the recent passage of the Technical Corrections Act of 1988 and its impact on the state's Deferred Compensaton Plan. He noted that it continues several existing deferred compensation practices recently threatened by I.R.S. interpretations. These include 1) existing tax treatment of bona fide vacation leave, sick leave, compensatory time, severence pay, disability pay and death benefits (see article entitled "Deferred Compensation Update"), 2) required distribution of participant's funds by the latter of age 70 1/2 or April 1 of the calendar year following the employee's year of retirement; and 3) employee withdrawal of funds from a deferred compensation plan prior to termination or retirement if the account balance is less than $3,500 under the condition that the employee never participate in the plan again.

Greg Murry and Bill Crowley of Montana Benefits, Inc. discussed reorganization plans of Montana Benefits. Montana Benefits is being bought by PEBSCO which is based in Ohio and is a branch of Nationwide Inc. PEBSCO is the leading national provider of administrative services for deferred compensation programs.

Murry emphasized that Montana Benefits will retain its name as a wholly-owned subsidiary of PEBSCO and would continue to service the state contract as before. The council deferred any action pending recommendations from legal counsel on the impact of the reorganization on state contracts.

Nationwide and PEBSCO representatives attended a followup session on Nationwide carrier and investment services for the deferred compensation program. They presented their annual economic forecasts and confirmed plans to purchase Montana Benefits. They also presented some

possible enhancements to the current contract which could reduce surrender charges.

For more information, call Joyce Brown at 444-3871.

Governor Proposes Pay Increase

On November 16, Gov. Ted Schwinden released his final budget proposal as chief executive of the State of Montana. In his budget proposal for the 1990-1991 biennium, the governor recommended that the current two-year wage freeze end for state employees.

The budget proposal calls for a 1.5 percent across the board pay increase for all state employees each year of the biennium and an increase in the state's group insurance contribution of $10.00 a month for the first year and $15.00 a month for fiscal year 1991. The administration believes that the package represents a 1.7% to 2.3% overall compensation increase for FY 1990 and a 1.7% to 2.7% increase in FY 1991 with lower grade employees receiving the largest percentage increases. For additional information, call Randy Pugh at 444-3849.

Benefits Program Objectives

Any benefit program is subject to a process of nearly continuous change arising from economic, competitive and demographic factors. The Montana State Employee Group Benefits Program council has formulated the following objectives for guidance during this change.

1) To provide basic benefits for the employee and family at costs which approximate benefit packages and costs of similarly situated states and large Montana employers for the purpose of attracting and retaining employees.

2) To provide protection against ruinous health care expenses, but not meet the employee's or families' entire health care needs.

3) To help maintain employee health and productivity.

4) To negotiate on employees' behalf for cost effective optional benefits which employees can purchase to meet individual needs as permitted by administrative resources.

5) To optimize the benefits-to-cost ratio and maintain benefit plans on an actuarially sound basis.

6) To strike a balance between equity among plan members and the needs of individuals or subgroups.

7) To abide by applicable state and federal laws and regulations.

8) To efficiently coordinate with other benefit plans and governmental programs which provide health care benefits to insure that the state plan is not providing more than its share of health care benefits, and is not unnecessarily picking up the plan member's normal deductible or co-payment.

9) To provide plan members with adequate notice of rights and obligations under the Employee Benefit Plan.

10) To keep benefit plans as understandable and uncomplicated as possible.

11) To respond to prevalent employee needs and requests consistent with the above objectives.

12) To study and recommend adequate state funding.

For questions or comments, call Joyce Brown at 444-2553.

How To Prevent Backaches

If 80 out of every 100 people have back problems sometime, surely some of us could be doing things differently. Preventing back aches is the ultimate goal. Heed the following:

Stay fit. Aerobic exercise is good for your heart and your back. Relaxed, strong muscles give your back the support and flexibility it needs to resist injury, wear and tear. Brisk walking, swimming and biking are good for over-all conditioning. Ask your doctor before beginning aerobics, jogging, and running as these may aggravate back problems. Avoid the weekend athlete syndrome. Sitting at a desk all week and then exercising madly on weekends may do your back more harm than good.

Stay trim. A pot belly strains the lower back and can lead to a back ache. (Anyone who has been pregnant can

attest to this.) Exercise is the key to back problems caused by excess flab. Prudent eating, as always, is the number one ally of exercise and weight control.

Relax. Stress and tension cause muscles to tighten, increasing the chances that strains or spasms will occur. Gentle stretching exercises and relaxation techniques reduce back problems. Be conscious of tightening sensations in your neck or lower back. Practice neck rolls and lower back stretches a couple of times a day as preventive maintenance.

Dress appropriately. Surely the day will come when "dress for success or fashion" no longer means lizard skin cowboy boots or a pair of pumps with two-inch heels. High heels force the spine to assume an unnatural position. Men and women should choose well-fitting shoes with shock-absorbing soles, especially when walking and standing for long periods of time.

Use your back correctly. When you lift, bend at the knees and let your legs do the lifting. Bending at the waist forces your lower back to bear the strain. Sleep on your side with bent knees, or on your back with a pillow under your knees. Sleeping on your stomach puts extra strain on your spine. Sit with your fanny firmly supported against the back of your chair, feet on the floor, and your knees slightly higher than your hips. If you sit for long periods of time, regularly get up, stretch, and walk around. When you drive, place a rolled-up towel behind the small of your back for added support, and take frequent breaks during long-distance trips.

Pay attention at work. Research has shown that over 40 percent of job-related injuries leading to time lost from work involve back pain. Use a chair and working surface adjusted to a level right for you. If you walk a lot at work, wear comfortable, cushioned shoes. When standing for extended periods of time, stand on a mat or pad and place one foot on a slightly raised surface. When bending and lifting, warm up with stretching exercises ahead of time. Learn how to lift and lift with a co-worker when ever possible. Be sure you can see where you are going when you carry a load and remove hazards like cords and spilled liquids from walkways. Give your back a break at work.

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Contract Management

Question:

Larry works for the Department of Services and is a member of the Montana State Employees Union (MSEU). Two months ago Larry was elected representative of the union local. Tomorrow MSEU is holding a rally in the Capitol Building to promote their demands in upcoming collective bargaining. Larry recalls that the contract allows him to take care of union business during his work shift. Larry wonders: "Do I have to use my personal leave time to participate in tomorrow's rally or does this qualify as paid leave for union business under the contract?"

IS WELL WORTH OUR TIME AND YOURS

Incentive Awards

Bruce Russell, district engineer for the Department of Highways in Glendive, presented a cash award of $250.00 to three state employees on December 7. Each employee received a check for $83.33 and a plaque signed by Governor Schwinden as part of their individual contribution to the award winning idea.

The three employees - Cecil Lincoln of Forsyth, David Hamilton and Roger McCaffree of Ingomar - were presented with the awards for their suggestion to develop new breakaway markers for bridges. The new breakaway markers are already being used in the Glendive area and are expected to increase the uniformity of bridge markers while reducing costs and requiring less maintenance when damaged. This suggestion is expected to save the Department of Highways

approximately $2,500 per year in reduced material and labor cost.

These awards were made possible through the State of Montana's Incentive Award Program, which was enacted by the Legislature in 1981.

This program allows state employees to be recognized and receive cash awards for suggestions that reduce the cost of governmental operations or improve services to the citizens of Montana. The State of Montana and its taxpayers have realized over $490,331 in savings through the Incentive Awards Program.

For more information, call Randy M. Pugh or Vi Pigman, 444-3871.

Contract Management

Answer:

It is highly unlikely that Larry's participation in a union rally would be regarded as union business under the contract. It is possible, of course, that the particular contract he works under has special language allowing paid release time to attend such rallies. Generally, however, contracts offer paid release time for union business only on a limited basis for specific activities.

The terms governing paid release time for union business are typically found in a "union rights" article in a contract. Such articles usually include several provisions that make it possible for the union to conduct its business. For instance, the union rights article may specify how the employer's bulletin boards may and may not be used by the union and how and when union officers may visit various work areas during the work shift to conduct union business. Limitations on paid release time for union business frequently expressed in such articles are:

1. Paid release time for union business is granted only to designated union officers or bargaining team members; and/or

2. Paid release time is available for reasonable investigation and processing of grievances or arbitration matters.

As the newly elected representative of his local, it is likely that Larry is allowed some paid release time for union business. Before assuming that the rally qualifies for paid release time, however, Larry should carefully read the contract. As in any matter of contract interpretation, if Larry remains unsure about his rights under the contract, he should seek the interpretations of his immediate supervisor or personnel officer. For additional information, call Eric Trimble at 444-3887.

Deferred Compensation Update

Some time ago, the IRS created quite a stir when it issued a notice that all non-elective benefits offered by state and local governments (such as vacation leave, sick leave, compensatory time, death benefits, etc.) were to either (1) be counted as part of the employee's gross income as they accrued for purposes of taxation or (2) be treated as deferred income under public sector deferred compensation programs. This change would have dramatically lowered the amount state employees could contribute to our deferred compensation plan.

In the July Personnel Perspectives we reported that the IRS reversed this position. Now Congress has codified this reversal in the 1988 Technical Corrections Act (corrections to the Tax Reform Act of 1986). This means taxation of basic employee benefits is now spelled out in law and can't be change by IRS rule.

The favorable tax treatment of employee benefits continued by the Technical Corrections Act is only intended to apply to "bona fide" benefits. In forthcoming regulations the U.S. Treasury Department will define the tests for a benefit to qualify as "bona fide." The Treasury Department has also been directed to study the area of benefits and to report back to Congress by March 1989 with any recommended changes on the tax treatment of benefits.

For additional information, call Randy Pugh at 444-3849.

Hiring The Severely Disabled

In September, Gov. Ted Schwinden asked department directors to designate an agency representative to work with the Governor's Committee on Employment of People with Disabilities (GCPED) and others to improve the state's hiring record for the severely disabled. The Governor's Committee recommended a

goal of hiring severely disabled individuals in 1% of state positions by December of 1991.

Agency designees met on November 11. Effective strategies for hiring the severely disabled were presented by an informal task force of Governor's Committee members, agency personnel officers, State Personnel Division specialists and representatives of employment programs. Presented were an introduction to the goal and the state's commitment by Linda Currie, executive director of GCEPD; an explanation of the purpose of this effort by Mike Kelly of the Montana Supported Employment Demonstration Project; a discussion on dealing with personnel concerns by Pat Lopach of the Department of Revenue Personnel and Training Office; an introduction of a working model of success by Steve White of the Great Falls Transition Project of the Great Falls school district; and discussion of the task force work plan, needs assessments surveys and overall issues.

The goals for this first working year are: 1) to compile and analyze initial needs assessment data; 2) to begin work objectives such as reviewing hiring procedures and guidelines, identifying opportunities and barriers, determining resources and funding, and working with model agencies; 3) to develop and implement plans and report back to the State Personnel Network.

For further information, call Linda Currie, 444-3886.

JANUARY CLASSES

The first class to be conducted under the auspices of the Professsional Development Center in the new year will be:

PURCHASING FOR PUBLIC AGENCIES

This class is aimed at purchasing agents or others who routinely purchase supplies or equipment for state or local governmental agencies. Instructor for the day-long seminar will be Bruce Swick of the Procurement and Printing Division, Department of Administration. Cost is $50.00, and the class will be conducted from 8:30 a.m. to 4:30 p.m., January 10, in the Yellowstone Room, Lee Metcalf Building.

SELF MANAGEMENT This is a time and organizational management seminar for managers and supervisors. It offers ways to better organize and orchestrate the time and efforts of all members of your work unit. The seminar will be held from 8:30 a.m. to 4:30 p.m., January 19, in the Glacier Room, Lee Metcalf Building. Cost is $55.00. John Camper, PDC, will be the instructor.

GAAP FOR GOVERNMENT

This January 22 seminar will cover accounting and reporting for selected state financial transactions and is aimed at those people who have primary responsibility for ensuring their agency records are in compliance with "Generally Accepted Accounting Principles (GAAP)." Teresa Timm of the Accounting Division, Department of Administration, will be the instructor. The class will be held from 8:30 a.m. to 4:30 p.m., in the Glacier Room, Lee Metcalf Building. Cost is $55.00.

NEW EMPLOYEE ORIENTATION

The quarterly new employee orientation will be held January 26 in the Glacier Room, Lee Metcalf Building, from 10 a.m. to noon. Cost is $15.00.

PREVENTING SEXUAL HARASSMENT

Attendance at this seminar, or one like it, is mandatory in many organizations around the country. The problem of sexual harassment still exists and is cause for alarm in many organizations. It will be conducted from 8:30 a.m. to noon in the Glacier Room, Lee Metcalf Building. Linda Davis, the state EEO Coordinator, will be the instructor. Cost is $40.00. The class is aimed at managers and supervisors.

Anyone desiring further information about these, or other seminars offered under the auspices of the Professional Development Center is urged to contact their personnel representative or call the PDC at 444-3985, or 444-3749.

The first class to be enrolled in the newly designed **Basics of Management** series ended on November 30 with the taking of the final examination. The seven-part series is intended for personnel

selected by their supervisors. The training, through written and performance testing, will result in an announcement of qualification which, it is hoped, will be recognized by state agencies as constructive credit for up to one year of management experience.

The following completed the first class on November 30, 1988:

Lisa Casman - Commerce
Nancy Edwards - Highways
Debbie Foster-Administration
Ruth Frisina-Labor & Industry
Alene Gorecki-Commerce
Patrick Hogan-Labor & Industry
Cindy Jungers-Administration
Gordon McGaw-Highways
Anita Moon-Administration
Deanne Moore-Commerce
Peggy Nelson-DNRC
Peggy Neuberger-Highways
Julie Nichols-Highways
Patti Olson-St. Peter's Hospital
Judy Opitz-MSU
Mike Perkio-Revenue
Fritz Roos-Administration
Carol Seaman-Family Services
Barbara Sheline- FW&P
Sandra Straehl-Highways
Bob Wallace-Revenue
Donna Zook-Highways

As previously announced, the Professional Development Center plans to conduct the seven-part **Essentials of Management** in Billings during January and February. A minimum enrollment of 12 is needed. At the present time only eight people have signed up. For a better exchange of learning and ideas, we prefer to have at least one or two participants from outside state government. If you know someone who might be interested in attending this supervisory series, please have them call the PDC immediately.

PDC TRAINING SCHEDULE
First Quarter, 1989

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
January 2 New Years Day	3	4	5	6
9	10 Purchasing and Procurement	11 EOM - Leading Billings	12 EOM-Organizing Billings	13
16	17 EOM - Delegating Billings	18	19 Self Management	20
23 GAAP (SBAS)	24 Approaching Supervision	25 EOM - Measuring Billings	26 EOM - Controlling Billings New Employee Orientation	27
30	31 Preventing Sexual Harrassment (8:30-12)	FEBRUARY 1 EOM - Protecting Billings	2 EOM - Synthesis Billings	3

reproduce as needed

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CITY/STATE: _____ ZIP: _____

WORK TELEPHONE: _____ SOC. SEC. NUMBER: _____

SEMINAR

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DEPARTMENT OF ADMINISTRATION
PERSONNEL DIVISION
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